

RESERVE  
KFM  
9035  
1973  
.A245a

**RESERVE**

# **MONTANA ADMINISTRATIVE REGISTER**

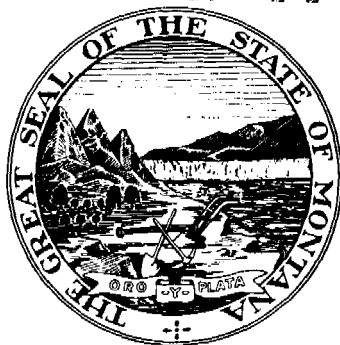
**STATE LAW LIBRARY**

**SEP 06 1996**

**OF MONTANA**

**DOES NOT  
CIRCULATE**

1996 ISSUE NO. 17  
SEPTEMBER 5, 1996  
PAGES 2343-2415



# MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 17

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

#### AGRICULTURE, Department of, Title 4

4-14-84 Notice of Proposed Repeal and Adoption - Grain Fee Schedule of Lab Hours, Travel Time and Fees. No Public Hearing Contemplated. 2343-2348

#### STATE AUDITOR, Title 6

6-86 (Classification Review Committee) Notice of Proposed Amendment - Updating References to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance, 1996 ed. No Public Hearing Contemplated. 2349-2350

#### COMMERCE, Department of, Title 8

8-122-8 (Board of Science and Technology Development) Notice of Proposed Amendment, Repeal and Adoption - Award and Administration of Loans by the Montana Board of Science and Technology Development. No Public Hearing Contemplated. 2351-2356

#### ENVIRONMENTAL QUALITY, Department of, Title 17

17-033 (Waste Management) Notice of Public Hearing on Proposed Amendment - Bringing Current Rules In Line with EPA Regulations in Order to Maintain Federal Authorizations of the State Hazardous Waste Program. 2357-2362

LABOR AND INDUSTRY, Department of, Title 24

24-16-97 Notice of Public Hearing on Proposed  
Amendment - Minimum Hourly Wage Rate. 2363-2365

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36-2-51 Notice of Public Hearing on Proposed  
Amendment - Minimum Standards and Guidelines for  
the Streambed and Land Preservation Act. 2366-2367

36-25-46 (Board of Land Commissioners and  
Department of Natural Resources and Conservation)  
Notice of Proposed Amendment - State Land Leasing.  
No Public Hearing Contemplated. 2368-2371

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-40 Notice of Public Hearing on Proposed  
Adoption and Repeal - Child Care Fee Scales. 2372-2378

RULE SECTION

COMMERCE, Department of, Title 8

AMD (Board of Occupational Therapists) Practice  
NEW of Occupational Therapy.  
REP 2379-2383

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

TRANS (Board of Land Commissioners and Department  
of Natural Resources and Conservation)  
Transfer from Department of State Lands -  
Surface Management - Issuance of Oil and Gas  
Leases - Coal Leasing - Geothermal Resources  
- Metalliferous Leasing. 2384-2389

INTERPRETATION SECTION

Opinions of the Attorney General.

23 Cities and Towns - Authority of Cities and  
Counties to Form Multijurisdictional Service  
Districts for Library Services and Lawful  
Purposes of Such Districts - Counties -  
Intergovernmental Cooperation - Libraries -  
Local Government. 2390-2394

	<u>Page Number</u>
<u>SPECIAL NOTICE AND TABLE SECTION</u>	
Functions of the Administrative Code Committee.	2395
How to Use ARM and MAR.	2396
Accumulative Table.	2397-2415

BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PROPOSED  
repeal of ARM 4.13.1001 in its ) REPEAL AND ADOPTION  
entirety and the proposed )  
adoption of a new rule relating )  
to the Grain Fee Schedule of )  
lab hours, travel time and fees ) NO PUBLIC HEARING  
CONTEMPLATED

TO: All Interested Persons

1. On October 5, 1996, the Department of Agriculture proposes to repeal the above stated rule in its entirety and replace it with the following:

2. The proposed new rule will read as follows:

NEW RULE 1 GRAIN FEE SCHEDULE (1) Effective date of this rule is October 25, 1996.

(2) General provisions are as follows:

(a) The state grain laboratory hours are 8 a.m. to 5 p.m. Monday through Friday. All other hours and holidays will be considered overtime.

(b) The regular hourly rate for travel time and stand-by fee is \$15 per hour per individual assessed in half-hour intervals.

(c) The overtime and holiday hourly rate is \$22.50 per hour per individual assessed in half-hour intervals. A minimum two hour charge will be assessed except that before or for a continuation of a regular work day, actual overtime hours will be charged.

(d) Holidays are as adopted in 1-1-216, MCA. (e.g., New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day).

(e) Mileage, travel time and travel expenses are as follows:

(i) Mileage charges shall be assessed per Title 2, chapter 18, part 5, MCA for state employees which is equal to the United States Internal Revenue Service (IRS) mileage allotment. Any change to the mileage rate is effective when the IRS changes their standard mileage rate. The mileage charges will be prorated where possible. Mileage will not be charged within five miles of an official state grain laboratory location.

(ii) For each out-of-town trip requested, the applicant will be charged at the regular hourly rate except for overtime and holidays. These will be charged at the overtime rate (prorated where possible).

(iii) Travel expenses, i.e. per diem, lodging and mileage will be assessed the applicant in addition to other fees and charges.

(f) Copies of certificates, per certified copy . . \$2.50  
In case of a data entry or typographical error, a corrected certificate will be issued without a fee.

- (g) FAX charge, per transmission . . . . . \$3.00
- (h) Actual postage or delivery service charges  
will be added to sampling and other fees.
- (i) Requests for services not covered by this rule  
will be performed at the applicable hourly rate stated  
herein plus mileage and travel time if applicable.
- (3) Fees for official services provided under the  
United States Grain Standards Act (USGSA) - Includes  
Federal Grain Inspection Services (FGIS) supervision fees.
- (a) All general provisions of (2) above shall apply.
- (b) Official lot inspection sampling with grade, bulk,  
boxcar, hopper car or truck/trailer, per request, sampling  
and grade only:
- (i) Level one official sampling service when  
the state grain laboratory furnishes the sampling  
crew . . . . . \$20.00
- (ii) Level two official sampling service when  
the state grain laboratory furnishes a licensed  
sampler to write identification tickets, supervise  
elevator employees while sampling and seal samples  
for delivery to the state grain laboratory . . . . . \$15.00
- (iii) official lot re-inspection based on new  
sample (original numerical grade sustained) - all  
regular fees assessed.
- (iv) official lot re-inspection based on new sample  
(original numerical grade changed) - mileage, travel time  
applies when applicable and sampling only fee assessed.  
No grade fee assessed.
- (c) Sampling only (does not include grade) - bulk,  
boxcar, hopper car or truck/trailer, per request,  
(all grains) . . . . . \$8.00
- (d) Stowage examination per unit (in excess of  
one hour, hourly rate applies) . . . . . \$7.00
- (e) Priority service fees are as listed below plus  
\$2.50 per request. Submitted priority samples shall be done  
within 48 hours or less, on a first arrival basis. Priority  
service includes telephone report. Priority service will be  
automatically suspended if back-log of regular samples exceeds  
two weeks. If priority service is suspended all submitted  
sample fees will be assessed at the appropriate rate.
- (f) Submitted sample inspection, per sample:
- (i) grade only . . . . . \$7.00
- (ii) re-inspection based on file sample (original  
numerical grade sustained) - regular fee assessed . . . . \$7.00
- (iii) re-inspection based on file sample (original  
numerical grade changed) - no fee will be assessed.
- (g) Protein tests, per sample:
- (i) Near Infrared Transmittance (NIRT) . . . . . \$4.50
- (ii) protein retest - (original protein test  
sustained) . . . . . \$4.50
- (iii) protein retest - (original protein test  
changed) - differences of more than 0.3% - no fee will be  
assessed.
- (h) Ineffectual factor or factor only determination  
(e.g., Foreign Material (FM) identified; Dark, Hard

Viterous (DHV) kernels; Hard, Viterous Kernels of Amber Color (HVAC); Damaged Kernels Total (DKT) identified per factor . . . . . \$2.50

(i) Malting barley analysis, includes actual percent of plump barley, skinned and broken kernels, and thin barley, per request . . . . . \$4.00

(j) Official commercial services performed under the USGSA:

(i) Official commercial inspection services and fees may be negotiated on a case-by-case basis.

(4) Fees for official services provided under the Agricultural Marketing Act of 1946 (AMA) as amended - beans, peas and lentils.

(a) All general provisions of (2) above shall apply.

(b) Priority service fees are as listed below plus \$2.50 per request. Submitted priority samples shall be done within 48 hours or less, on a first arrival basis. Priority service includes telephone report. Priority service will be automatically suspended if back-log of regular samples exceeds two weeks. If priority service is suspended all submitted sample fees will be assessed at the appropriate rate.

(c) Sampling fees:

(i) bulk samples from boxcars, hopper cars, truck/trailers . . . . . \$8.00

(ii) bagged . . . . . Hourly Rate

(d) Grade only per lot or sample:

(i) field run . . . . . \$12.00

(ii) other than field run . . . . . \$10.00

(e) Re-inspection:

(i) Re-inspection of official lot with original numerical grade sustained - all regular fees assessed.

(ii) Official lot re-inspection with original numerical grade - changed mileage, travel time assessed when applicable and sampling only fee assessed. No grade fee assessed.

(iii) Re-inspection of file sample with original numerical grade sustained - regular fee assessed either . . . . . \$12.00 or \$10.00

(iv) Re-inspection based on file sample with original numerical grade changed - no fee will be assessed.

(f) Ineffectual factor or factor only determination (e.g. DKT identified), per factor . . . . . \$2.50

(5) Fees for laboratory services not performed under the USGSA or AMA:

(a) All general provisions of (2) above shall apply.

(b) Lot inspection sampling with grade for bulk, boxcar, hopper car or truck/trailer, per request, sampling and grade only:

(i) Level one sampling service fee when the state grain laboratory furnishes the sampling crew . . . . . \$20.00

(ii) Level two sampling service fee when the state grain laboratory furnishes a licensed sampler to write identification tickets, supervise elevator employees while sampling and seal samples for delivery to the state grain laboratory . . . . . \$15.00

- (iii) Lot re-inspection (original numerical grade sustained) - all regular fees assessed.
- (iv) Lot re-inspection (original numerical grade changed) mileage, travel time applies when applicable and sampling only fee assessed. No grade fee assessed.
- (c) Sampling only (does not include grade) - bulk, boxcar, hopper car or truck/trailer, per request, (all grains) . . . . . \$8.00
- (d) Stowage examination per unit (in excess of one hour, hourly rate applies) . . . . . \$7.00
- (e) Priority service fees are as listed below plus \$2.50 per request. Submitted priority samples shall be done within 48 hours or less, on a first arrival basis. Priority service includes telephone report. Priority service will be automatically suspended if back-log of regular samples exceeds two weeks. If priority service is suspended all submitted sample fees will be assessed at the appropriate rate.
- (f) Submitted Montana specialty crop grades, (unless specifically listed), per grade . . . . . \$7.00
- (g) Submitted buckwheat grades, per grade:
- (i) processed . . . . . \$7.00
- (ii) field run . . . . . \$12.00
- (h) Submitted hulless or hulless waxy barley grades, (includes oven moisture), per grade . . . . . \$11.00
- (i) Re-inspection for grade based on file sample:
- (i) original numerical grade sustained - regular fee assessed.
- (ii) original numerical grade changed - no fee will be assessed.
- (j) Protein test, per sample:
- (i) non-official NIRT, (e.g. kamut) . . . . . \$4.50
- (ii) Kjeldahl method (e.g. malting barley) . . . . . \$7.00
- (iii) Protein retest - original protein test sustained - regular protein fee assessed.
- (iv) Protein retest - original protein test changed - differences of more than 0.3% - no fee will be assessed.
- (k) Moisture tests - (oven), per sample . . . . . \$4.00
- (l) Malting barley:
- (i) germination, 48 hour hydrogen peroxide or 72 hour blotter test per determination . . . . . \$6.00
- (ii) chit determination, per determination . . . . . \$7.00
- (iii) variety identification, per sample . . . . . \$4.00
- (m) Falling numbers determination, per determination . . . . . \$10.00
- (n) Oil, per determination . . . . . \$10.00
- (o) Ineffectual factor or factor only determination (e.g. FM identified, DHV, HVAC, DKT identified) per factor . . . . . \$2.50

AUTH: Sec. 80-4-403, MCA; IMP: Sec. 80-4-721, MCA



**REASON:** The Montana State Grain Laboratory is supervised by the United States Department of Agriculture, Federal Grain Inspection Service (USDA/FGIS). Many of the changes in the fee schedule have been requested by the USDA/FGIS or to clarify the fee schedule to assist the laboratory's customers in determining the appropriate charges for services. No fees have been changed.

The fee schedule amendments requested by the USDA/FGIS include moving the kjeldahl protein and oven moisture fees to services not performed under the United States Grain Standards Act (USGSA) or the Agricultural Marketing Act (AMA) since these services are no longer regulated by the USDA/FGIS. The State Grain Laboratory will continue to conduct kjeldahl and oven moisture tests on a state certificate fee for service basis.


The USDA/FGIS requested that the mileage rate charge be clarified by including a limit for the fee charged per mile. The mileage fee was clarified by referencing Title 2, Chapter 18, Part 5, MCA which is equal to the IRS mileage allotment. USDA/FGIS also requested the fees for reinspection be clarified by adding the word 'numerical' to reinspection grade charges, and indicate when a fee was charged based on reinspection.

The amendment also identifies the officially declared state holidays as adopted by the State legislature by referencing section 1-1-216, MCA.

3. Interested persons may submit their written data, views, or arguments concerning this proposed amendment to Will Kissinger, Administrator, Department of Agriculture, Agricultural Development Division, P.O. Box 200201, Helena, MT 59620-0201; FAX (406)444-5409; Internet: AGR@MT.GOV; State Bulletin Board System (SBBS) 800-962-1279, or a local SBBS Helena number 444-5648, and must be received no later than October 3, 1996.

4. If a party who is directly affected by the proposed amendment wishes to express his/her data, views, and arguments orally or in writing at a public hearing, he/she must make written request for a hearing and submit this request along with any written comments he/she has to Will Kissinger, Administrator, Department of Agriculture, Agricultural Development Division, P.O. Box 200201, Helena, MT 59620-0201, FAX (406)444-5409; Internet: AGR@MT.GOV; State Bulletin Board System (SBBS), 800-962-1279, or a local SBBS Helena number 444-5648, and must be received no later than October 3, 1996.

5. If the department receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the Administrative Code Committee of the legislature; from a governmental subdivision or agency; or from an association having not fewer 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 1,450 persons based on 14,500 Montana farmers who raise wheat and barley.

  
W. Ralph Peck, Director  
DEPARTMENT OF AGRICULTURE  
Timothy J. Meloy, Attorney  
Rule Reviewer

Certified to the Secretary of State August 26, 1996.

MAR #4-14-84

BEFORE THE CLASSIFICATION REVIEW COMMITTEE  
OF THE STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF PROPOSED
amendment of rule 6.6.8301,	)	AMENDMENT OF RULE
concerning updating references to	)	6.6.8301
the NCCI Basic Manual for Workers	)	
Compensation and Employers	)	NO PUBLIC HEARING
Liability Insurance, 1996 ed.	)	CONTEMPLATED

TO: All Interested Persons.

1. On October 11, 1996 the Montana Classification Review Committee proposes to amend rule 6.6.8301 updating references to the NCCI Basic Manual for Workers Compensation and Employers Liability, 1996 edition.

2. The rule, as proposed to be amended, appears as follows (new material is underlined; material to be deleted is interlined):

6.6.8301 ESTABLISHMENT OF CLASSIFICATION FOR COMPENSATION  
PLAN NO. 2 (1) The committee hereby adopts and incorporates by reference the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance, 1996 ed., as supplemented through ~~July 15, 1996~~ October 11, 1996, which establishes classifications with respect to employers electing to be bound by compensation plan No. 2 as provided in Title 39, chapter 71, part 22, Montana Code Annotated. A copy of the Basic Manual for Workers Compensation and Employers Liability Insurance is available for public inspection at the Office of the Commissioner of Insurance, Room 270, Sam W. Mitchell Building, 126 North Sanders, P.O. Box 4009, Helena, MT 59620-4009. Copies of the Basic Manual for Workers Compensation and Employers Liability Insurance may be obtained by writing to the Montana Classification Review Committee in care of the National Council on Compensation Insurance, Inc., 7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235. Persons obtaining a copy of the Basic Manual for Workers Compensation and Employers Liability Insurance must pay the committee's cost of providing such copies.

(2) Remains the same.

AUTH: 33-16-1012, MCA  
IMP: 33-16-1012, 2-4-103, MCA

3. The proposed amendments are necessary in order to update references to the NCCI Basic Manual for Workers Compensation and Employers Liability. Changes to the NCCI Basic Manual for Workers Compensation and Employers Liability affect classifications for those employers listed below:

B-1333 - Revisions of Basic Manual Classifications and Related Rules

Purpose: Reduce the number of admiralty codes that are available for workers compensation classification purposes.

Establish new Basic Manual Rule IV-D-14, to clarify the classification procedure for recycling operations.

4. Interested parties may submit their data, views or arguments concerning the proposed amendment in writing to Christy Weikart, Chairperson, Montana Classification Review Committee, c/o National Council on Compensation Insurance, Inc., 7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235, no later than October 10, 1996.

5. If a person who is directly affected by the proposed amendment wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Christy Weikart, Chairperson, Montana Classification Review Committee, c/o National Council on Compensation Insurance, Inc., 7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235, no later than October 10, 1996.

6. If the classification review committee of the state of Montana receives requests for a public hearing on the proposed amendments from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the administrative code committee of the legislature, from a governmental agency or subdivision 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. For each category of classification affected, 10% of the persons directly affected has been determined to be as follows: 1 for the reduction of admiralty codes based on 10 persons in the state the classification of which are affected by the proposed amendment; 10 for the classification involving recycling operations, based on 100 in the state the classifications of which are affected by the proposed amendment.

CLASSIFICATION AND  
REVIEW COMMITTEE

By: 

Frank G. Cote  
Deputy Insurance Commissioner

By: 

Gary V. Spaeth  
Rules Reviewer

Certified to the Secretary of State on the 26th of August, 1996.

BEFORE THE BOARD OF SCIENCE AND TECHNOLOGY DEVELOPMENT  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF PROPOSED AMENDMENT,
amendment and repeal of rules	)	REPEAL AND ADOPTION OF RULES
pertaining to the award and	)	PERTAINING TO THE BOARD OF
administration of loans by the	)	SCIENCE AND TECHNOLOGY
Montana Board of Science and	)	DEVELOPMENT
Technology Development	)	

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On October 5, 1996, the Board of Science and Technology Development proposes to amend ARM 8.122.102, 8.122.206, 8.122.607, 8.122.615 and 8.122.616 and to repeal ARM 8.122.614 and 8.122.701 through 8.122.704.

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

"8.122.102 ORGANIZATIONAL RULE BOARD MEMBER ATTENDANCE

~~(1) The Montana board of science and technology development was recreated in 1989 by section 2-15-1810, MCA.~~

~~(2) The board consists of 9 members appointed by the governor in the manner prescribed in sections 2-15-1810 and 2-15-124, MCA. As required by statute, the governor considers people with extensive interest and experience in science and technology and the application of such interest and experience to economic development in Montana.~~

~~(3) Board membership must include at least five persons from the private sector, two persons with knowledge of early stage financing of private businesses, and one person with expertise in applied technology development.~~

~~(4) The board is attached to the department of commerce for administrative purposes. The department selects and prescribes the duties for, and supervises staff to administer board activities.~~

~~(5) The board is designated a quasi-judicial board for purposes of section 2-15-124, MCA.~~

~~(6) will remain the same, but will be renumbered (1).~~

~~(7) As required by 2-4-205, notice is hereby given that sections of this rule repeat 2-15-1810 in order to inform the public as to board organization when they consult the administrative rules."~~

Auth: Sec. 2-4-201, MCA; IMP, Sec. 2-4-201, MCA

"8.122.206 DEFINITIONS In addition to the definitions set forth in ~~section~~ 90-3-102, MCA, the following definition shall apply for purposes of these rules:

~~(1) "Act" means the Montana Science and Technology Financing Act.~~

~~(2) "Board" means the Montana board of science and technology development created in section 2-15-1810, MCA.~~

~~(3) "Department" means the Montana department of commerce created in section 2-15-1801, MCA.~~

~~(4) will remain the same, but will be renumbered (1).~~

~~(5) As required by 2-4-305, notice is hereby given that (1), (2) and (3) above repeat sections of 90-3-102, MCA, in order to provide citizens with immediate access to the definitions of words that are frequently used in these rules."~~

Auth: Sec. 90-3-204, MCA; IMP, Sec. 90-3-204, MCA

"8.122.607 APPLICATION PROCEDURES FOR A RESEARCH AND DEVELOPMENT PROJECT LOAN - SUBMISSION OF RESEARCH AND DEVELOPMENT PROPOSAL (1) through (1)(p) will remain the same.

(2) When a project is proposed by a Montana company, a medical research facility, or a university-based research and development program, the proposal must include the following information in addition to those items described in (1) of this rule:

- (a) a problem statement and background which describes:
  - (i) the present state of technology;
  - (ii) existing competing technologies, if any;
  - (iii) the advantages of the proposed technologies specifically for Montana companies;
  - (iv) the limitations in the existing technology which make an improved or new technology desirable.
- (b) a proposed work plan which describes:
  - (i) the methods used by the applicant to solve technical problems in addition to the preliminary data or test results that support the methodology and feasibility of the project; and
  - (ii) the role of each participating organization where the work will be carried out.

- (c) a resources statement which describes:
  - (i) the facilities and equipment made available to the project by the company and non-profit partners, if any, and to the medical research facility or university; and
  - (ii) the arrangements made for providing or securing other technological resources for the project.

(3) When a project is proposed by a Montana company, a medical research facility, or a university-based research and development program, the proposal must include the following information in addition to that required by (1) and (2) of this rule concerning the commercialization potential of the project:

- (a) a market analysis which describes the following:
  - (i) total market, including any analysis of both the demographics and projected sales;
  - (ii) an identification of the target market, including an analysis of both the demographics and projected sales;
  - (iii) an identification of the competition and their respective market shares;
  - (iv) project and strategic differentiation; and
  - (v) the marketing strategy.

(b) plan of protection of proprietary rights which must address the following:

(i) the ownership of the technology if proprietary technology results from or is utilized by the project;

(ii) the terms under which the company has control of the technology if the technology is not owned by the company;

(iii) the barriers to entry that exist for potential competitors if the technology is not proprietary.

(c) for Montana companies only, the applicants must describe the marketing, sales, distribution and customer service plan which constitutes the marketing strategy. Specifically, the marketing strategy must describe the following:

(i) product positioning, pricing and promotion;

(ii) anticipated sales strategy, addressing utilization of direct sales, manufacturers' representatives, distributors or licensed sales, whichever is applicable;

(iii) distribution channels and manner in which the distribution channels will be supported;

(iv) post-sale servicing.

(d) for Montana companies only, a manufacturing strategy must also describe the following:

(i) the one-year, three-year and five-year production strategy;

(ii) whether the technological development will be commercialized by licensing out the production and distribution and, if so, why; and

(iii) the steps that will be taken for quality control.

(4) In addition to the requirements described in (1) through (3) of this rule, a project proposed by a Montana company must include five years of pro forma financial statements which include income statements, balance sheets and cash flow projections.

(a) the income statement must identify revenues by source and also specify revenues generated by the proposed project;

(b) the pro forma financial statements must include the income statements, balance sheets and cash flow projections for the next five years, and should correspond to the company's fiscal year; and

(c) the financial statements must cover the most recent quarter and fiscal year.

(5) Projects proposed by Montana companies, medical research facilities and university-based programs must have technical and commercialization milestones which include:

(a) project tasks listed in priority order for each quarter of the project year, as required, including the anticipated funding dates for each quarter;

(b) both technological development and commercialization milestones;

(c) if available, Gantt charts, pert charts, CPM diagrams and task and personnel schedules;

(d) the amount of the board loan and match dollars associated with each activity; and

(e) project disbursement schedule for board funds."

Auth: Sec. 90-3-204, MCA; IMP, Sec. 90-3-204, MCA

"8.122.615. CONFIDENTIALITY OF INFORMATION AND OPEN MEETINGS (1) Unless otherwise required by law, information submitted by an applicant will be treated as confidential by the board, its staff and technical reviewers, except the following: The board shall maintain public files on each completed application received which will contain the following information:

(a) name and address of applicant;  
(b) short description of proposed project;  
(c) amount of loan;  
(d) the program under which the applicant is applying;  
(e) any other information in which the demand of individual privacy does not clearly exceed the merits of public disclosure;

(f) any information in which the demand of individual privacy clearly exceeds the merits of public disclosure but the applicant has expressly waived his right to privacy.;

(2) The board shall maintain public files on each completed application received which will contain the following information:

(a) items (1)(a) through (f) of this rule;  
(b) and (c) will remain the same, but will be renumbered (g) and (h).  
(d) (i) a brief statement of the board's action regarding the application, including the board's approval or disapproval denial of the application, the terms and interest rate of financing, and the loan repayment schedule and record.

(2) All information not described in (1) of this rule shall be considered confidential.

(3) The board shall open all meetings when the discussion addresses issues enumerated in (1)(a) through (f), or when the demand of individual privacy does not exceed the merits of public disclosure, or when the applicant has expressly waived his right to privacy.

(4) will remain the same."

Auth: Sec. 90-3-204, MCA; IMP, Sec. 90-3-204, MCA

"8.122.616 MEDICAL RESEARCH FACILITY PROJECTS - APPLICATION PROCEDURES, REVIEW PROCESS AND BOARD ACTION

(1) The procedural rules set forth in ARM 8.122.606, 8.122.607, 8.122.608, 8.122.609, 8.122.610, 8.122.611, 8.122.613, ~~8.122.614~~ and 8.122.615 above, and 90-3-901, MCA, are applicable to the grants made by the board pursuant to ~~section 90-3-901, MCA.~~

(2) As required by section 90-3-901, MCA, the funds granted by the board must be used to match federally appropriated funds on at least a 2 1/2 to 1 federal to state matching basis for construction, equipment, and start-up operating costs for medical research facility projects in the state.



~~(3) The board may make a grant to a medical research facility project applicant, if the proposal complies with the goals and criteria set forth in section 90-3-901, MCA, and the procedural rules described in (1) above."~~

Auth: Sec. 90-3-204, 90-3-901, MCA; IMP, Sec. 90-3-204, MCA

REASON: These rules are being amended in order to meet the goals expressed in House Joint Resolution 5, passed by the 1995 legislature, to reduce the number and pages of administrative rules.

3. The Board is proposing to repeal ARM 8.122.614, located at page 8-4775, Administrative Rules of Montana (authority 90-3-204, MCA; implementing 90-3-204, MCA); and ARM 8.122.701 through 8.122.704, located at pages 8-4779 through 8-4781, Administrative Rules of Montana (authority 90-3-204, MCA; implementing 90-3-204, MCA). ARM 8.122.614 is being repealed in order to reduce the number and pages of administrative rules mandated by House Joint Resolution 5 by the 1995 legislature. ARM 8.122.701 through 8.122.704 are proposed for repeal so as to meet the goals of House Joint Resolution 5 mandated by the 1995 legislature to reduce the number of administrative rules.

4. Interested persons may submit their data, views or arguments concerning the proposed amendments and repeals in writing to Ann Welz, Board of Science and Technology Development, 1424 - 9th Avenue, P.O. Box 200504, Helena, Montana 59620-0504, or by facsimile to (406) 444-1585, to be received no later than 5:00 p.m., October 3, 1996.

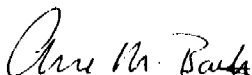
5. If a person who is directly affected by the proposed amendments and repeals wishes to present his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit the request along with any comments he has to Ann Welz, Board of Science and Technology Development, 1424 - 9th Avenue, P.O. Box 200504, Helena, Montana 59620-0504, or by facsimile to (406) 444-1585, to be received no later than 5:00 p.m., October 3, 1996.

6. If the Board receives requests for a public hearing on the proposed amendments and repeals from either 10 percent or 25, whichever is less, of those persons who are directly affected by the proposed amendments and repeals, from the Administrative Code Committee of the legislature, from a governmental agency or subdivision 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

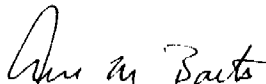
will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 2 based on the 13 science and technology companies and 2 venture capital companies known to exist in Montana.

BOARD OF SCIENCE AND  
TECHNOLOGY DEVELOPMENT

BY:



ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE



ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, August 26, 1996.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING  
rules 17.54.102, 106, 107, 309, and) FOR PROPOSED AMENDMENT  
333, bringing current rules in line) OF RULES  
with EPA regulations in order to )  
maintain federal authorization of )  
the state hazardous waste program. )

(Waste Management)

To: All Interested Persons

1. On September 25, 1996, at 9:30 a.m., the department will hold a public hearing in the Lewis Room in the Phoenix Building, 2209 Phoenix, Helena, Montana, to consider the amendment of the above-captioned rules.

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

17.54.102 INCORPORATIONS BY REFERENCE (1)-(4) Remain the same.

(5) As of ~~September 29, 1995~~ [effective date of amendments], 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, 1994 edition of Title 40 of the 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 (1994 edition), provided in parentheses. 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>17.54. . . .</u>	<u>40 CFR . . . .</u>	

(a) and (b) Remain the same.

(c) 112	Parts 264 (except subpart H) and 266 (except subpart H)	<del>Hazardous waste burned in boilers and industrial furnaces.</del> <u>NC</u>
---------	---	---

- (d) 126 264.98, 264.99, 264.100, 264.112, 264.113, 264.117(a), 264.118, 264.147 ~~Closure plans, financial requirements,~~ NC
- (e) 131 270.14 - 270.26 ~~Permit application requirements,~~ NC
- (f) and (g) Remain the same.
- (h) 140 Parts 264 (except subpart H) and 266 (except subpart H) ~~Hazardous waste burned in boilers and industrial furnaces,~~ NC
- (i) 150 Part 268, (except sections 268.5, 268.6, 268.42(b), and 264.44) as well as Appendices I through IX ~~Land disposal restrictions,~~ NC
- (j) 201 Parts 264 and 266, Appendix to Part 262 ~~Hazardous waste burned in boilers and industrial furnaces,~~ NC
- (k) 309 Part 264, Subpart O; Part 265, Subpart O; Part 266, Subparts C-G; 265.71, 265.72; Part 279 ~~Used oil management standards,~~ NC
- (l) and (m) Remain the same.
- (n) 331 261.31 ~~Wood preserving listings, administrative stay,~~ NC
- (o) Remains the same.
- (p) 333 261.33(e) and (f) ~~Correction of listing for "beryllium",~~ NC
- (q) and (r) Remain the same.
- (s) 352 Part 261, Appendices VII and VIII ~~Correction of listing for "beryllium",~~ NC
- (t) Remains the same.
- 49 CFR . . .
- (u) 415 Parts 173, 178, and 179 (40 CFR 262.30) ~~Shipping and packaging of~~

		hazardous materials. <u>NC</u>
(v) 416	Part 172, Subpart E (40 CFR 262.31)	Labeling requirements for hazardous materials transportation. <u>NC</u>
(w) 417	Part 172, Subpart D (40 CFR 262.32)	Marking requirements for hazardous materials transportation. <u>NC</u>
(x) 418	Part 172, Subpart F (40 CFR 262.33)	Placarding requirements for hazardous materials transportation. <u>NC</u>
	<u>40 CFR . . .</u>	
(y) 421	Part 265, Subparts C and D, 265.111, 265.114, Part 265, Subpart I, Part 265, Subpart J, (except 265.197(c) and 265.200)	Tank systems. <u>NC</u>
(z)-(ab)	Remain the same.	
(ac) 609	Part 265, Subparts B - Q, excluding Subpart H and 265.75	Facility standards; recordkeeping; closure requirements; surface impoundments; landfills. <u>NC</u>
(ad) 702	Part 264, Subparts B - BB, excluding Subpart H and 264.75; Part 264, Appendices I, IV, V, VI, and IX	Work analysis; corrective action; landfills; surface impoundments; drip pads. <u>NC</u>
(ae) 802	264.197, 264.228, 264.258, 265.197, 265.228, and 265.258	Closure requirements for surface impoundments. <u>NC</u>
(af) 803	264.112, 264.117 - 264.120, 265.112, 265.117 - 265.120	Closure plans. <u>NC</u>

(ag) 807	264.111 - 264.115, 264.143(f)(3), 264.178, 264.197, 264.228, 264.258, 264.280, 264.310, 264.351, 264.601 - 264.603, 265.111- 265.115, 265.197, 265.228, 265.258, 265.280, 265.310, 265.351, 265.381, and 265.404	<del>Closure plans,</del> <del>closure</del> <del>requirements.</del> NC
(ah) 808	264.117 - 264.120, 264.145(f)(5), 264.228, 264.258, 264.280, 264.310, 264.603, 265.117 - 265.120, 265.228, 265.258, 265.280, 265.310	<del>Closure</del> <del>requirements.</del> NC
(ai)	Remains the same.	
(aj) 823	264.147(f), 264.147(g)	<del>Financial</del> <del>requirements.</del> NC
(ak) 833	264.151(a)-(j)	<del>Financial</del> <del>requirements.</del> NC
<u>(al) 1108</u>	<u>51.100(ii)</u>	<u>Stack height</u> <u>limits.</u>
<u>(am) 1111(3)</u>	<u>Part 60, Appendix A,</u> <u>Methods 1 through 5</u>	<u>Particulate matter</u> <u>standards.</u>
<del>(al)</del> <u>(an)</u> 1118	Part 266, Appendices I through XII	<del>BIF technical</del> <del>amendments.</del> 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.

(6) Remains the same.

AUTH: 75-10-405, MCA; IMP: 75-10-405, MCA

17.54.106 PERMITTING REQUIREMENTS: EXISTING AND NEW HWM FACILITIES (1)-(3) Remain the same.

(4) No person shall begin physical construction of a new HWM facility without having submitted Part A and Part B of the permit application and received a finally effective HWM permit. Notwithstanding this section (4), a person may construct a facility for the incineration of polychlorinated biphenyls pursuant to an approval issued by the administrator under section (6)(e) of the Toxic Substances Control Act and any person owning or operating such a facility may, at any time after construction or operation of such facility has begun, file an application for a hazardous waste management permit to incinerate hazardous waste authorizing such facility to incinerate waste identified or listed under subchapter 3 of this chapter.

(5)-(8) Remain the same.

AUTH: 75-10-405, MCA; IMP: 75-10-405, 75-10-406, MCA

17.54.107 TEMPORARY PERMITS (INTERIM STATUS)

(1)-(5) Remain the same.

(6) Interim status terminates:

(a)-(f) Remain the same.

(g) For owners or operators of any surface impoundment which is in existence on the effective date of statutory or regulatory amendments under the MHWAA that render the facility subject to the requirement to have a HWM permit and which is granted interim status after November 8, 1984, 4 years after the date on which the facility first becomes subject to such permit requirements, unless:

(i) the surface impoundment is in compliance with the ground water monitoring requirements found in 40 CFR 264.91 through 264.100 (adopted by reference in ARM 17.54.702); and

(ii) the surface impoundment contains, or is retrofitted to contain, 2 or more liners and a leachate collection system between such liners, and operates the leachate collection and removal system in accordance with 40 CFR 264.221(c) (adopted by reference in ARM 17.54.702), unless exempted under 40 CFR 264.221(d), (e), or (f) (adopted by reference in ARM 17.54.702).

AUTH: 75-10-404, 75-10-405, MCA; IMP: 75-10-405, 75-10-406, MCA

17.54.309 REQUIREMENTS FOR RECYCLABLE MATERIALS: REQUIREMENTS FOR THE MANAGEMENT OF USED OIL (1)(a) and (b) Remain the same.

(c) The following recyclable materials are not subject to regulation under this chapter:

(i)-(v) Remain the same.

(vi) (A) and (B) Remain the same.

(C) oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 40 CFR 279.11; ~~or~~ and

(vii) Remains the same.

(d) Remains the same.

(2)-(5) Remain the same.

AUTH: 75-10-405, MCA; IMP: 75-10-405, MCA

17.54.333 DISCARDED COMMERCIAL CHEMICAL PRODUCTS, OFF-SPECIFICATION SPECIES, CONTAINER RESIDUES, AND SPILL RESIDUES THEREOF (1) The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded, as described in ARM 17.54.302(1)(b)(i), when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use, or when they are contained in products that are applied to the land in lieu of their original intended use, or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel:

(a)-(c) Remain the same.

(d) Any residue or contaminated soil, water or other debris resulting from the cleanup of a discharge, into or on any land or water, of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in (e) or (f) below, or any residue or contaminated soil, water or other debris resulting from the discharge, into or on any land or water, of any off-specification chemical product and manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in (e) or (f) below. [The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in ..." refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in (e) or (f) below. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in (e) or (f) below, such waste will be listed in either ARM 17.54.331 or 17.54.332, or will be identified as a hazardous waste by the characteristics set forth in ARM 17.54.320 through 17.54.324.]

(e)-(g) Remain the same.

AUTH: 75-10-405, MCA; IMP: 75-10-405, MCA

3. On June 19, 1996, the department received from the U.S. Environmental Agency a written notice that the proposed amendments must be made to make the Montana rule equivalent to the corresponding federal rules. The department is therefore proposing these amendments to the rules in order to maintain federal authorization of the state hazardous waste program, thereby authorizing the state to enforce its program in place of the federal program.

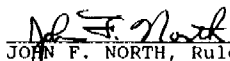
4. Interested persons may submit their data, views, or arguments concerning the proposed amendments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Mark Stahly, Department of Environmental Quality, Metcalf Building, PO Box 200901, Helena, MT 59620-0901, no later than October 5, 1996.

5. Mark Stahly has been designated to preside over and conduct the hearing.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Reviewed by:

  
MARK A. SIMONICH, Director

  
JOHN F. NORTH, Rule Reviewer

Certified to the Secretary of State August 26, 1996.



BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
OF THE STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING ON  
amendment of rules related to ) THE PROPOSED AMENDMENT OF  
the minimum hourly wage rate ) ARM 24.16.1509 AND 24.16.1510

TO ALL INTERESTED PERSONS:

1. On September 27, 1996, at 10:00 a.m., a public hearing will be held in the Dan Rickman Room (basement floor conference room) at the Walt Sullivan Building (Dept. of Labor Building), 1327 Lockey Street, Helena, Montana, to consider the proposed amendment of two rules related to the minimum hourly wage rate in Montana.

The Department of Labor and Industry will, in accordance with the Americans with Disabilities Act, provide reasonable accommodations to persons with disabilities who wish to participate in this public hearing. If you request an accommodation, contact the Department by not later than 5:00 p.m., September 23, 1996, to advise of the nature of the accommodation that is needed. Persons with sensory disabilities who need an alternative accessible format of this document in order to participate in this rule-making process should contact the Employment Relations Division, Attn: John Andrew, P.O. Box 6518, Helena, Montana 59604-6518; telephone (406) 444-5600; TTD (406) 444-5549; fax (406) 444-4140.

2. The Department of Labor and Industry proposes to amend the rules as follows: (new matter underlined, deleted matter interlined)

24.16.1509 PROCEDURE FOR DETERMINING MINIMUM WAGE

(1) and (2) Remain the same.

~~(3) The Federal training wage provisions may not be used to meet Montana's minimum wage requirements.~~

(4) Remains the same, but is renumbered (3).

(4) Section 6(a) of the Fair Labor Standards Act (29 USC 206(a)(1)) was amended August 20, 1996, to provide for a minimum wage of not less than \$4.75 an hour during the period October 1, 1996 through August 31, 1997, and of not less than \$5.15 an hour starting September 1, 1997.

AUTH: 39-3-403, MCA

IMP: 39-3-409, MCA

24.16.1510 MINIMUM WAGE RATE (1) Up to and including March 31, 1990, Montana's minimum hourly wage rate, ~~excluding the new hire wage provided for in section 39-3-410, MCA (1989),~~ shall be \$3.35 an hour.

(2) From April 1, 1990 through March 31, 1991, Montana's minimum hourly wage rate, ~~excluding the new hire wage provided for in section 39-3-410, MCA (1989),~~ shall be \$3.80 an hour.

(3) From April 1, 1991 through April 25, 1991, Montana's minimum hourly wage rate, ~~excluding the new hire wage provided~~

for in section 39-3-410, MCA (1989), shall be \$4.00 an hour.

(4) ~~Effective From April 26, 1991, and thereafter until further notice through September 30, 1996,~~ Montana's minimum hourly wage rate for a business whose annual gross sales is greater than \$110,000 shall be \$4.25 an hour, not including tips.

(5) and (6) Remain the same.

(7) For work performed from October 1, 1996 through August 31, 1997, Montana's minimum hourly wage rate for a business whose annual gross sales is more than \$110,000 is \$4.75 an hour, not including tips.

(8) For work performed on or after September 1, 1997, Montana's minimum hourly wage rate for a business whose annual gross sales is more than \$110,000 is \$5.15 an hour, not including tips.

AUTH: 39-3-403, MCA IMP: 39-3-409, MCA

**REASON:** There is reasonable necessity to amend the rules in order to comply with the provisions of 39-3-409, MCA, which require the Commissioner of Labor to adopt, by rule, a state minimum hourly wage rate that is the same as the federal minimum wage rate. On August 20, 1996, President Clinton signed into law legislation (H.R. 3448, sec. 2104, the Minimum Wage Increase Act of 1996) raising the federal minimum wage rate to \$4.75 an hour, effective October 1, 1996, and increasing the minimum wage rate to \$5.15 an hour, effective September 1, 1997.

There is also reasonable necessity to make the amendment to ARM 24.16.1510(7) applicable to work performed on or after October 1, 1996, despite the fact that the amendment will not go into effect until October 25, 1996. In order to carry out the express legislative purpose expressed in 39-3-409(1), MCA, of having a state minimum wage that is the same as the federal minimum wage, the state rate should apply to work done on or after October 1, 1996. However, in order to comply with the notice and publication requirements of the Montana Administrative Procedures Act, and the printing schedule of the Montana Administrative Register, the amendments cannot be made effective prior to October 25, 1996. Because the Commissioner does not have any discretion in the setting of the state minimum hourly wage rate, the Commissioner has determined that the public interest is not served by adopting emergency rules and following that with normal rule-making procedures allowing for fuller public input. The Commissioner has decided instead to propose that certain of the amendments will have a retroactive applicability to October 1, 1996.

Finally, there is reasonable necessity to amend the rules to remove the reference to a training wage. Montana law no longer recognizes a training wage and the statute of limitations for wage claims involving a training wage has run. Deleting the references to a training wage will increase the clarity of the rule.

3. Interested persons may present their data, views, or arguments concerning the proposed amendments, either orally or in writing, at the hearing. Written data, views or arguments concerning the proposed amendments may also be submitted to:

John Andrew, Bureau Chief  
Labor Standards Bureau  
Employment Relations Division  
Department of Labor and Industry  
P.O. Box 6518  
Helena, Montana 59604-6518

so that they are received by the Department no later than 5:00 p.m., October 4, 1996.

4. The Department proposes to make the amendments effective October 25, 1996, but applicable to work performed on or after October 1, 1996, as explained above.

5. The Hearings Bureau of the Legal/Centralized Services Division of the Department has been designated to preside over and conduct the hearing.

Laurie Ekanger, Commissioner  
DEPARTMENT OF LABOR & INDUSTRY

David A. Scott  
David A. Scott  
Rule Reviewer

By: David A. Scott  
David A. Scott, Administrator  
Legal/Centralized Services Div.

Certified to the Secretary of State: August 26, 1996.

BEFORE THE MONTANA DEPARTMENT OF  
NATURAL RESOURCES AND CONSERVATION  
OF THE STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC  
amendment of Rules 36.2.401 ) HEARING  
through 36.2.403, repeal of Rules )  
36.2.404 through 36.2.406 and )  
adoption of rules pertaining )  
to the minimum standards and )  
guidelines for the streambed and )  
land preservation act )

To: All Interested Persons.

1. On July 18, 1996, the department published notice at page 1946 of the Montana Administrative Register, Issue No. 14 of the proposed amendment, repeal and adoption of the above-captioned rules. The notice of proposed agency action is amended because an association with more than 25 affected persons has requested a public hearing.

2. On September 25, 26, and 27, 1996, the department will hold public hearings to consider the amendment, repeal and adoption of the above-captioned rules. The hearings will be conducted on the following dates and at the following times and locations:

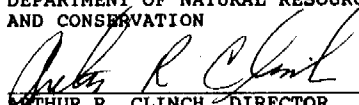
September 25	1:00 p.m.	Dept. Natural Resources and Conservation Basement Conference room 1625 Eleventh Avenue Helena, Montana 59620-1601
September 25	1:00 p.m.	USDA Conference Room 3120 Valley Drive East Miles City, Montana 59301
September 26	10:00 a.m.	USDA Conference Room 13 Third Street Great Falls, Montana 59401
September 26	1:00 p.m.	USDA Basement Conference Room 1629 Avenue D, Building C Billings, Montana 59101
September 26	7:00 p.m.	USDA Conference Room 5115 Highway 93 South Missoula, Montana 59801
September 27	1:00 p.m.	USDA Conference Room 30 Lower Valley Road Kalispell, Montana 59901


The Department of Natural Resources and Conservation will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing. If you request an accommodation, contact the department no later than one week before the date of the hearing you plan to attend to advise us of the nature of the accommodation that you need. Providing an interpreter for the deaf or hearing impaired may require more time. Please contact Laurie Zeller, Department of Natural Resources and Conservation, Box 201601, Helena, MT 59620-1601; telephone (406) 444-6669; FAX (406) 444-6721.

3. Interested persons may present their data, views, or arguments, either orally or in writing, at any of the hearings. Written data, views, or arguments may also be submitted to Laurie Zeller, Department of Natural Resources and Conservation, Box 201601, Helena, MT 59620-1601, and must be received no later than October 4, 1996.

4. The Conservation and Resource Development Division, Department of Natural Resources and Conservation has been designated to preside over and conduct the hearings.

DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

  
ARTHUR R. CLINCH, DIRECTOR

  
DONALD D. MACINTYRE,  
RULE REVIEWER

Certified to the Secretary of State on August 26, 1996.

BEFORE THE MONTANA BOARD OF LAND COMMISSIONERS  
AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
OF THE STATE OF MONTANA

In the matter of the proposed )	NOTICE OF PROPOSED
amendment of Rules 36.25.115, )	AMENDMENT OF RULES
36.25.201, 36.25.203, )	
36.25.206, 36.25.301, )	
36.25.302, 36.25.304, )	
36.25.310, and 36.25.602, )	NO PUBLIC HEARING
pertaining to state land )	CONTEMPLATED
leasing )	

TO: All Interested Persons.

1. On October 5, 1996, the Department proposes to amend Rules 36.25.115, 36.25.201, 36.25.203, 36.25.206, 36.25.301, 36.25.302, 36.25.304, 36.25.310, and 36.25.602 pertaining to state land leasing.

2. The rules are being transferred from Title 26 to Title 36 in the notice section of the Montana Administrative Register, issue no. 17. The rules as proposed to be amended provide as follows:

36.25.115 ISSUANCE OF LEASE OR LICENSE ON UNLEASED OR UNLICENSED LAND AND RECLASSIFIED LAND Subsections (1) through (5) remain the same.

~~(6) Any person who has had his lease or license canceled and not reinstated by the board or department for any reason except nonpayment of rentals shall not be allowed to bid upon the lease or license or upon any lease or license for land managed by the department. If no other bids are received, the former lessee or licensee may be allowed to bid, but the board may reject any or all bids from a lessee or licensee who has had his lease canceled in the past.~~

AUTH: 77-1-209, MCA

IMP: 77-6-202, MCA

36.25.201 DEFINITIONS Subsections (1) and (2) remain the same.

~~(3) "Commissioner" means commissioner of state lands, chief administrative officer of the department of state lands,~~

Subsections (4) through (7) remain the same, but will be renumbered (3) through (6).

~~(8) "Standard lease form" means the lease then currently in use and approved by the board.~~

Subsection (9) remains the same but will be renumbered (7).

~~(10)(8) "Department" means department of state lands natural resources and conservation as provided in section 2-15-3201, MCA.~~

AUTH: 77-3-402, MCA

IMP: 77-3-402, MCA

36.25.203 LANDS AVAILABLE FOR LEASING Subsection (1) remains the same.

~~(2) No lease may embrace more than 640 acres, except that any section surveyed by the United States which contains more than 640 acres may be included under one lease.~~

~~(3) The land shall be leased in as compact bodies as the form and areas of the tract held by the state and offered for lease will permit. No lease may embrace noncontiguous subdivisions of lands unless such subdivisions are within an area comprising not more than 1 square mile.~~

~~(4) Any person qualified to hold an oil and gas lease on state lands may acquire, receive, and hold more than one lease.~~

AUTH: 77-3-402, MCA

IMP: 77-3-401, 77-3-404, 77-3-405, AND 77-3-407, MCA

36.25.206 TERM OF LEASE, EXTENSION BY DRILLING OPERATIONS AT END OF TENTH YEAR ~~(1) The oil and gas lease which shall be issued to the successful bidder therefor shall be granted for a primary term or period of 10 years, and as long thereafter as oil or gas in paying quantities is produced, on condition that all drilling, rental, and other obligations are fully kept and performed by the lessee.~~

Subsection (2) remains the same but will be renumbered (1).

AUTH: 77-3-402, MCA

IMP: 77-3-421 AND 77-3-422, MCA

36.25.301 DEFINITIONS Subsections (1)(a) through (h) remain the same.

~~(i) "Department" means department of state lands as provided in section 2-15-3201, MCA;~~

Subsection (j) remains the same but will be renumbered (i).

~~(k) "Foreign interests" means states or governmental subdivisions of states foreign to the United States, other than Canada or Mexico; business entities organized under the laws of any state foreign to the United States, other than Canada or Mexico; and persons who are citizens of any state foreign to the United States, other than Canada or Mexico;~~

~~(l) "Value" means the contract sales price as defined in section 15-35-102, MCA.~~

AUTH: 77-3-303, MCA

IMP: 77-3-301, MCA

36.25.302 LANDS AVAILABLE FOR LEASING Subsection (1) remains the same.

~~(2) If after a determination of the amount, location, and quality of the coal on the lands for lease, it appears that the extraction of the coal from such lands by strip mining methods would adversely affect the methods of recovery of deep minable coal from such operations on such lands in the future, the board may not issue a lease.~~

AUTH: 77-3-303, MCA

IMP: 77-3-303, MCA

36.25.304 PROCEDURES FOR ISSUE OF LEASE Subsection (1) remains the same.

~~(2) No state coal lease may be issued until the coal resources and the surface of the tract to be leased have been evaluated as provided for by section 77-3-312, MCA. No coal lease may be issued for less than the fair market value of the coal included under the lease.~~

Subsections (3) through (12) remain the same but will be renumbered (2) through (11).

AUTH: 77-3-303, MCA

IMP: 77-3-303, MCA

36.25.310 ROYALTIES Subsection (1) remains the same.

~~(2) The value of the coal shall be determined in accordance with section 15-35-109, MCA. This statute, in conjunction with section 15-35-102(1) MCA, requires that the value of the coal for royalty purposes shall be either the price of coal extracted and prepared for shipment f.o.b. mine, excluding that amount charged by the seller to pay taxes paid on production, or a price imputed by the department of revenue under section 15-35-107 MCA, which authorizes the department of revenue to impute a value to the coal which approximates market value f.o.b. mine, under certain conditions including utilization of the coal by the operator and sales under a contract which is not an arm's length agreement.~~

~~(3) On or before the last day of each month every holder of a producing coal lease shall make a report to the department, on a form the department prescribes, showing the number of tons mined during the preceding calendar month, the price obtained therefor at the mine, the total amount of all sales and any additional information required by the department. The report shall be signed by the lessee or some responsible person having knowledge of the facts reported and be accompanied by payment of the royalty due the state for the preceding month as shown by the report.~~

Subsection (4) remains the same but will be renumbered (2).

AUTH: 77-3-303, MCA

IMP: 77-3-316, MCA

36.25.602 LANDS AVAILABLE FOR LEASING Subsections (1) through (3) remain the same.

~~(4) No lease on lands covered by lease for the mining of coal, oil, or gas may be issued to any person, association or corporation other than the holder of such coal, oil, or gas lease while that lease is in force except with the written consent of the holder of the coal, oil, or gas lease.~~

AUTH: 77-6-104, MCA

IMP: 77-3-102, MCA

3. The proposed amendment of Rules 36.25.115, 36.25.201, 36.25.203, 36.25.206, 36.25.301, 36.25.302, 36.25.304, 36.25.310, and 36.25.602 is necessary because it removes from these rules language that restates statutory provisions.

4. Interested parties may submit their data, views, or arguments concerning the proposed amendments in writing to Jeff



Hagener, Department of Natural Resources and Conservation, 1625 Eleventh Avenue, Helena, MT 59620-1601. Any comments must be received no later than October 4, 1996.

5. If a person who is directly affected by the proposed amendments wishes to express their data, views, and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request, along with any written comments to Jeff Hagener, Department of Natural Resources and Conservation, 1625 Eleventh Avenue, Helena, MT 59620-1601. A written request for hearing must be received no later than October 4, 1996.

7. If the agency receives requests for a public hearing on the proposed amendments from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the administrative code committee of the legislature; from a governmental agency or subdivision; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than 25 based on the numbers of persons holding leases issued by the Department.

DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION



Bud Clinch, Director



Donald B. MacIntyre, Rule Reviewer

Certified to the Secretary of State August 26, 1996.

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
amendment of 46.10.409,	)	THE PROPOSED ADOPTION AND
46.10.410, 46.18.502 and	)	REPEAL OF RULES
46.18.505 and the repeal	)	
of 46.18.507 pertaining	)	
to child care fee scales	)	

TO: All Interested Persons

1. On September 27, 1996, at 10:00 a.m., a public hearing will be held in the Auditorium of the Department of Public Health and Human Services, 111 Sanders, Helena, Montana to consider the proposed amendment of 46.10.409, 46.10.410, 46.18.502 and 46.18.505 and the repeal of 46.18.507 pertaining to child care fee scales.

The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing. If you request an accommodation, contact the department no later than 5:00 p.m. on September 17, 1996, to advise us of the nature of the accommodation that you need. Please contact Dawn Sliva, P.O. Box 4210, Helena, MT 59604-4210; telephone (406)444-5622; FAX (406)444-1970.

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

46.10.409 SLIDING FEE SCALE FOR TRANSITIONAL CHILD CARE  
(1) through (1)(b) remain the same.  
(c) 133% OF POVERTY SLIDING FEE SCALE

Family Size	Gross Monthly Income	Co-payment (1 child)	Co-payment (2 children)*
2	0 - 700	\$ 7	
	701 - 800	16	
	801 - 900	27	
	901 - 1000	40	
	1001 - <del>1112</del> 1148	56 57	
	1149 <del>1133+</del> ineligible		

3	0 - 900	\$ 9	\$ 14
	901 - 1000	20	25
	1001 - 1100	33	39
	1101 - 1200	48	54
	1201 - <del>1300</del> 1300	<del>70</del> 65	<del>77</del> 72
	1301 - 1439	86	94
	1400 <del>1396+</del> ineligible		
4	0 - 1100	\$ 11	\$ 17
	1101 - 1200	24	30
	1201 - 1300	39	46
	1301 - 1400	56	63
	1401 - 1500	75	83
	1501 - <del>1679</del> 1600	<del>101</del> 96	<del>109</del> 104
	1601 - 1729	121	130
	1730 <del>1600+</del> ineligible		
5	0 - 1300	\$ 13	\$ 20
	1301 - 1400	28	35
	1401 - 1500	45	53
	1501 - 1600	64	72
	1601 - 1700	85	94
	1701 - 1800	108	117
	1801 - <del>1963</del> 1900	<del>137</del> 133	<del>147</del> 142
	1901 - 2019	162	172
	2020 <del>1964+</del> ineligible		
6	0 - 1500	\$ 15	\$ 23
	1501 - 1600	32	40
	1601 - 1700	51	60
	1701 - 1800	72	81
	1801 - 1900	95	105
	1901 - 2000	120	130
	2001 - 2100	147	158
	2101 - <del>2247</del> 2200	<del>180</del> 176	<del>191</del> 187
	2201 - 2310	208	219
	2311 <del>2248+</del> ineligible		
7 or more	0 - 1700	\$ 17	\$ 26
	1701 - 1800	36	45
	1801 - 1900	57	67
	1901 - 2000	80	90
	2001 - 2100	105	116
	2101 - 2200	132	143
	2201 - 2300	161	173
	2301 - 2400	192	204
	2401 - <del>2530</del> 2500	<del>227</del> 225	<del>240</del> 238
	2501 - 2600	260	273
	2601 <del>2531+</del> ineligible		

\* Note: There will be no additional charge if a family places more than 2 children in child care; the maximum fee will be the 2 children rate.

(d) ~~The co-payment for families using less than 20 hours per week of child care will be 1/2 of the co-payment shown in the tables in subsection (1)(a).~~

(2) remains the same.

AUTH: Sec. 53-4-212 and 53-4-719, MCA

IMP: Sec. 53-4-701 and 53-4-716, MCA

46.10.410 AT-RISK CHILD CARE SERVICES

(1) through (3) remain the same.

~~(4) The co payment for families using less than 20 hours per week of child care will be one half of the co payment shown in ARM 46.10.409.~~

(5) through (9) (a) (iv) remain the same in text but are renumbered (4) through (8) (a) (iv).

AUTH: Sec. 53-2-201 and 53-4-212, MCA

IMP: Sec. 53-2-108 and 53-2-201, 53-2-606, 53-4-212 and 53-4-231, MCA

46.18.502 FAIM: SLIDING FEE SCALE FOR EXTENDED CHILD CARE

(1) remains the same.

~~(2) The co payment for families using less than 20 hours per week of child care will be 1/2 of the co payment shown in the following table.~~

(a) (2) 133% OF POVERTY SLIDING FEE SCALE

Family Size	Gross Monthly Income	Co-payment (1 child)	Co-payment (2 children)*
2	0 - 700	\$ 32	
	701 - 800	41	
	801 - 900	52	
	901 - 1000	65	
	1001 - <del>1113</del> 1148	<del>81</del> 82	
	<del>1149</del> <del>1113</del> +- ineligible		
3	0 - 900	\$ 34	\$ 39
	901 - 1000	45	50
	1001 - 1100	58	64
	1101 - 1200	73	79
	1201 - <del>1395</del> 1300	<del>95</del> 90	<del>102</del> 97
	<del>1301</del> - <del>1439</del>	<del>111</del>	<del>119</del>
	<del>1440</del> <del>1396</del> +- ineligible		
4	0 - 1100	\$ 36	\$ 42
	1101 - 1200	49	55
	1201 - 1300	64	71
	1301 - 1400	81	88
	1401 - 1500	100	108
	1501 - <del>1679</del> 1600	<del>126</del> 121	<del>134</del> 129
	<del>1601</del> - <del>1729</del>	<del>146</del>	<del>155</del>
	<del>1730</del> <del>1680</del> +- ineligible		
5	0 - 1300	\$ 38	\$ 45
	1301 - 1400	53	60
	1401 - 1500	70	78
	1501 - 1600	89	97
	1601 - 1700	110	119
	1701 - 1800	133	142
	1801 - <del>1963</del> 1900	<del>163</del> 158	<del>179</del> 167
	<del>1901</del> - <del>2019</del>	<del>187</del>	<del>197</del>
	<del>2020</del> <del>1964</del> +- ineligible		

6	0 - 1500	\$ 40	\$ 48
	1501 - 1600	57	65
	1601 - 1700	76	85
	1701 - 1800	97	106
	1801 - 1900	120	130
	1901 - 2000	145	155
	2001 - 2100	172	183
	2101 - <del>2247</del> 2200	<del>205</del> 201	<del>216</del> 212
	2201 - 2310	232	244
	2311 <del>2348</del> +- ineligible		
7 or more	0 - 1700	\$ 42	\$ 51
	1701 - 1800	61	70
	1801 - 1900	82	92
	1901 - 2000	105	115
	2001 - 2100	130	141
	2101 - 2200	157	168
	2201 - 2300	186	198
	2301 - 2400	217	229
	2401 - <del>2530</del> 2500	<del>252</del> 250	<del>265</del> 263
	2501 - 2600	285	298
	2601 <del>2631</del> +- ineligible		

\* Note: There will be no additional charge if a family places more than 2 children in child care; the maximum fee will be the 2 children rate.

(3) The department will pay the portion of the family's child care costs, based on the established reimbursement rates for the appropriate type of care, which the family is not required to pay pursuant to (2) of this rule.

AUTH: Sec. 53-4-212 and 53-4-612, MCA

IMP: Sec. 53-4-211, 53-4-601 and 53-4-612, MCA

46.18.505 FAIM PATHWAYS: CHILD CARE (PCC) (1) The department must provide child care assistance to recipients who participate in the pathways and community services components ~~portion~~ of the families achieving independence in Montana (FAIM) demonstration project. Child care assistance will be provided only for the period of time when the recipient is engaged in an activity required by the recipient's family investment agreement or is traveling between the child care site and the site of the required activity. However, if the required activity is post-secondary education, the number of hours of child care assistance per week will be limited as provided in the community operating plan in effect in the participant's county of residence.

(1)(a) and (2) remain the same.

(a) If the family does not pay their provider the amount paid by the state under the pathways or community services program, they will lose their eligibility for pathways or community services child care until they pay their child care debt or make satisfactory arrangements to pay it. They also will lose the option to receive the child care payment directly.

(3) The provisions of ARM 46.10.408(5) through (7) pertaining to reporting of changes, overpayments and repayments of amounts overpaid apply to pathways and community services child care.

(4) A family which is dissatisfied with an action taken on its application for pathways or community services child care assistance or the continuation of such assistance is entitled to a fair hearing as provided in ARM 46.2.202.

(4)(a) through (4)(a)(ii) remain the same.

AUTH: Sec. 53-4-212, MCA

IMP: Sec. 53-4-211 and 53-4-603, MCA

3. The rule 46.18.507 as proposed to be repealed is on page 46-6810 of the Administrative Rules of Montana.

AUTH: Sec. 53-4-212, MCA

IMP: Sec. 53-4-211, 53-4-601 and 53-4-603, MCA

4. Rationale: The Department of Public Health and Human Services helps low income working families to pay for child care through several different programs. The transitional child care (TCC) program provides assistance for up to twelve months to families which previously received Aid to Families with Dependent Children (AFDC) benefits but became ineligible due to increased income from a job. The at-risk child care program helps families who are at risk of becoming AFDC recipients because of their relatively low income. The FAIM extended child care (ECC) program is similar to the TCC program in that it provides assistance for up to twelve months to families which have become ineligible for AFDC because of increased income. This program serves families which formerly received AFDC benefits in the Families Achieving Independence in Montana demonstration project, however.

Eligibility for all three of these programs is limited to families whose gross income does not exceed 133% of the federal poverty level. The U.S. Office of Management and Budget (OMB) recomputes the federal poverty levels annually. The amendment of the sliding fee scales in ARM 46.10.409 and 46.18.502 is necessary to increase the maximum income amounts that families may have to be eligible for TCC and ECC, based on the recently published 1996 federal poverty levels, and to provide copayment amounts for families earning the new higher maximum income amounts.

Additionally, since the maximum income amounts have increased, the income ranges for families earning higher incomes have been broken down further and new copayment amounts have been provided for these income ranges. For example, in the sliding fee scale for TCC in ARM 46.10.409, the maximum income for a family of

three is currently \$1395. Using the 1996 poverty levels, the maximum income for that size family will now be \$1439. Currently the rule provides that families with income of \$1201 through \$1395 are eligible and must make a copayment of \$70 for one child. The rule as amended breaks down income in the range of \$1201 to the new maximum, \$1440, into two groupings with different copayments. Families in the income range of \$1201 through \$1300 will pay \$65 for one child, and families with income between \$1301 and \$1439 will pay \$86 for one child. This amendment is necessary so that the copayment amount will be more closely related to the size of the family's income for families in the higher income ranges.

ARM 46.10.409, 46.10.410, and 46.18.502 are also being amended to provide that the copayment amounts for part-time child care in the TCC, at risk and FAIM extended child care programs will now be the same as the copayment for full-time child care. Currently the copayment for part-time care is half of the copayment for full-time care. This amendment is necessary because it is administratively burdensome to track whether a family is using child care part-time or full-time and errors in copayment amounts occur when a full copayment is paid for part-time care or vice versa. Since the amount of the full copayment is not large, the increase in the copayment for families using part-time child care should not create hardship for most families.

Finally, the provisions of ARM 46.18.507 regarding child care for participants in the community services component of the FAIM project are being incorporated into ARM 46.18.502 governing child care in the FAIM pathways program, since the requirements are the same for both the pathways and community services components. It therefore serves the goal of reducing the length of the department's administrative rules to combine the content of ARM 46.18.507 with ARM 46.18.502 and repeal ARM 46.18.507.

5. The Department proposes to apply these amendments retroactive to September 1, 1996, with the exception of the increase in copayment amounts, which is the only proposed change which is not beneficial to recipients of child care assistance. The department was unable to file notice of the proposed amendments in time to have them become effective by September 1 without retroactive application due to its heavy work load. It is necessary that the amendments pertaining to increases in the maximum income amounts be applied retroactive to September 1 because other federally funded child care assistance programs administered by the Department, such as the block grant program, are using the higher income amounts beginning on that date. Pursuant to the federal goal of making child care assistance programs "seamless," the TCC, at-risk, FAIM extended care and block grant child care programs all use the same sliding fee scale. Since


the block grant program is using the increased income amounts as of September 1, it is desirable for the sake of consistency that this increase take effect on that date in the TCC, at-risk, and extended care programs also.

It is proposed that the amendments pertaining to copayments, which eliminate the provision that families using child care only part-time pay half the copayment paid by families using full-time child care, take effect after publication of the adoption notice in the Montana Administrative Register as provided in 2-4-306(4), MCA.

6. 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 Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210, no later than October 4, 1996.

7. The Office of Legal Affairs, Department of Public Health and Human Services has been designated to preside over and conduct the hearing.

  
Rule Reviewer

  
Director, Public Health and  
Human Services

Certified to the Secretary of State August 26, 1996.



BEFORE THE BOARD OF OCCUPATIONAL THERAPISTS  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the amendment, ) NOTICE OF AMENDMENT, REPEAL  
repeal and adoption of rules ) AND ADOPTION OF RULES PER-  
pertaining to the practice of ) PERTAINING TO THE PRACTICE  
occupational therapy ) OF OCCUPATIONAL THERAPY

TO: All Interested Persons:

1. On June 6, 1996, the Board of Occupational Therapists published a notice of proposed amendment, repeal and adoption of rules at page 1448, 1996 Montana Administrative Register, issue number 11.

2. The Board has amended ARM 8.35.401 through 8.35.404, 8.35.407, 8.35.412, and 8.35.503; repealed ARM 8.35.409, 8.35.411, 8.35.413; and adopted new rules I (8.35.415), II (8.35.416) and IV (8.35.418) exactly as proposed. The Board has amended ARM 8.35.408, and adopted new rule III (8.35.417) as proposed, but with the following changes: (authority and implementing sections will be the same as in the original notice)

"8.35.408 UNPROFESSIONAL CONDUCT (1) through (16) will remain the same as proposed.

~~(17) Maintaining an unsanitary or unsafe office or practicing under unsanitary or unsafe conditions;~~

(18) and (19) will remain the same as proposed, but will be renumbered (17) and (18).

~~(20) (19) Maintaining a relationship with a client that is likely to impair the licensee's professional judgment or increase the risk of client exploitation including providing services to employees, supervisees, close colleagues or relatives;~~

(21) through (29) will remain the same as proposed, but will be renumbered (20) through (28).

~~(30) (29) Failing to obtain informed consent from client or client's representative prior to providing any therapeutic, preventative, palliative, diagnostic, cosmetic, or other health-related care intervention;~~

(31) through (38) will remain the same, but will be renumbered (30) through (37)."

"8.35.417 CONTINUING EDUCATION (1) On a form provided by the board, all applicants for renewal of licenses shall affirm that they have completed 10 contact hours of continuing education as provided in this rule as a condition to establish eligibility for renewal. The continuing education requirement will not apply until the licensee's first full year of licensure.

(2) and (3) will remain the same as proposed.

(4) Up to 10 contact hours earned in excess of the 10 contact hours required in a licensing year may be carried over

into the following year. Credit may be received for a course previously submitted on a biannual basis only.

(5) All continuing education ~~credits~~ must be germane to the profession and must contribute to the professional competence of an occupational therapist as determined by the board in its sole discretion.

(6) will remain the same as proposed.

(7) Subject to approval by the board, continuing education ~~credits~~ may be earned through college course work, according to the following limitations:

(a) will remain the same as proposed.

(b) one semester credit shall equal 15 contact hours of continuing education<sub>71</sub> and

(c) one quarter credit shall equal 10 contact hours of continuing education.

(8) Subject to approval by the board, continuing education ~~credits~~ may be earned by teaching courses or making professional presentations, according to the following limitations:

(a) two contact hours shall be awarded for every hour of presentation<sub>71</sub>

(b) through (e) will remain the same as proposed.

(9) Subject to approval by the board, continuing education ~~credits~~ may be earned for apprenticeships involving supervised clinical experience aimed at return to practice or developing specialized skills in occupational therapy, according to the following limitations:

(a) ten contact hours shall be credited for each forty hour week<sub>71</sub>

(b) there is no limit to the amount of contact hours that can be earned under this category<sub>71</sub>

(c) and (d) will remain the same as proposed.

(10) Subject to approval by the board, continuing education ~~credits~~ may be earned for reading books germane to the profession, according to the following limitations:

(a) one hour shall be credited for each book or article up to a maximum of four contact hours per year<sub>71</sub> and

(b) will remain the same as proposed."

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

#### ARM 8.35.404 Temporary Practice Permit

Comment No.1: Commentor agreed that license applicants should not be permitted to practice under a temporary permit, however, it seems harsh to penalize a recent graduate who fails by revoking a temporary permit.

Response: The rule implements the terms of 37-1-305, MCA, (1995), setting forth the statutory requirements for temporary permits. That statute expressly provides that a temporary permit issued to a license applicant awaiting examination results may practice "until the person either fails the first

license examination for which the person is eligible following issuance of the permit or passes the examination and is granted a license." The Board is not able to add additional requirements to those imposed by statute and, therefore, cannot adopt a rule applying a less stringent requirement on a license applicant who loses a temporary practice permit simply because the applicant fails an examination.

#### ARM 8.35.408 Unprofessional Conduct

Comment No. 2: Subsection (16) - Commentor stated that provisions should be made for denying a license application for a criminal conviction for a crime not related to the practice of occupational therapy.

Response: The licensure of criminal offenders is addressed by statute in Title 37, chapter 1, part 2 of the Montana Code Annotated. Pursuant to 37-1-203, MCA, (1995), "Criminal convictions shall not operate as an automatic bar to being licensed to enter any occupation in the state of Montana." The Board's statutory authority under that statute is to review applications of criminal offenders convicted of crimes relative to the "public health, welfare, and safety as it applies to the occupation for which the license is sought." The Board cannot expand on that authority and graft on additional requirements for licensure in instances where the applicant has been convicted of a crime not directly related to the practice of the profession for which the applicant has applied for licensure.

Comment No. 3: Two commentators addressed the language of subsection (20) citing the practicalities faced by occupational therapists who are in need of occupational therapy. The comments, in essence, raised the problems associated with occupational therapists in limited geographical regions where one or two occupational therapists are available for consultation, employers which reduce health care costs by providing services to employees at a reduced rate, and self-insured employers who will not pay for local services provided outside the employer's facility.

Response: The Board agrees with the concerns raised by the commentators and removes that portion of the subsection following the word "exploitation."

Comment No. 4: Subsection (30) - One Commentor stated that requiring the occupational therapist to document informed consent from each patient would be burdensome.

Response: The Board agrees with the commentor's assessment and deletes the portion of the proposed subsection following the word "therapeutic" and adds "intervention."

The Board also reviewed the language of proposed subsection (17) and has determined that the substance of that rule is better left with the Department of Public Health and Human Services. Therefore, the subsection will be deleted.

Proposed New Rule I:

Comment No. 5: The Office of Public Instruction states that occupational therapy is included in the definition of special education related services and, as such, is part of the individualized education program of many Montana special education students. The Office expressed concern that requiring continual supervision of tasks performed by occupational therapy aides is burdensome.

Response: The term "occupational therapy aide" is specifically defined in 37-24-103(6), MCA, (1995), as "a person who assists in the practice of occupational therapy under the direct supervision of an occupational therapist or occupational therapy assistant . . . ." (Emphasis added.) Based on the implied direction from the legislature as demonstrated by this statutory definition, the Board has determined that, to adequately protect the public health, safety, and welfare, aides must have constant supervision while performing occupational therapy treatment plans.

Comment No. 6: Subsection (5) - Commentor states that the issue of whether supervision is required of an entry-level occupational therapist is an issue best left to the therapist and the employer, not the Board.

Response: The Board responds by referring to Proposed New Rule I(1) which provides that "[t]he supervisor shall determine the degree of supervision to administer to the supervisee based on the supervisor's estimation of the supervisee's clinical experience, responsibilities, and competence at a minimum." Subsection (5) is not intended to require that the Board determine the appropriate level of supervision for each entry-level practitioner. Indeed, the language of the proposed rules specifies that the Board may, in its discretion, determine whether an appropriate level of supervision is required on a case-by-case basis.

Proposed New Rule II(1):

Comment No. 7: The Office of Public Instruction commented that the language of the proposed rule could be interpreted to require that a licensed occupational therapist must be physically present on a continuous basis to supervise a range of activities. Commentor suggests defining "direct supervision" as on-site supervision and leaving the therapists responsible for determining the amount of supervision required.

Response: See the response to comment number 5 above.

Comment No. 8: Subsection (2) - Commentor states that requiring daily on-site evaluation will create a hardship for occupational therapy providers in areas which depend on temporary staffing due to the difficulty in recruiting and retaining occupational therapists.

Response: The Board notes that Occupational Therapist Registered (OTRS) do not require supervision and responds that

the temporary practice permit is issued to graduate students only and not to individuals who already hold a license. Therefore, the issue relative to the licensing of a temporary occupational therapist traveling from state to state is moot. Supervision for students awaiting the examination are bound by the supervision requirements of proposed rule II.

Proposed New Rule III:

Comment No. 9: Commentor stated that the term contact hour should be used consistently throughout the new rule. As written, the rule uses "contact hour," "continuing education hour," and "contact hour."

Response: The Board adopts the comment and will make amendments to New Rule III(1), (4), (5), (7-10).

Comment No. 10: Commentor states that Cardiopulmonary Resuscitation classes and first aid training should not be considered as part of the continuing education courses, however, pertinent training such as "psych net" should be considered.

Response: The Board would emphasize that course offerings by Montana Occupational Therapy Association, National Board for Certification in Occupational Therapy, American Society of Hand Therapists, and the American Journal of Occupational Therapy have automatic approval by the Board. Other offerings, however, must be germane to the profession or specialty area.

4. The American Occupational Therapy Certification Board, formerly known as AOTCB, changed its name to the National board for Certification in Occupational Therapy, NBCOT. The rules will be amended to reflect this change in name during the replacement page process.

BOARD OF OCCUPATIONAL THERAPISTS  
LYNN BENSON, CHAIR

BY:

Annie M. Bartos  
ANNIE M. BARTOS, CHIEF COUNSEL

Annie M. Bartos  
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, August 26, 1996.

BEFORE THE MONTANA BOARD OF LAND COMMISSIONERS  
AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
OF THE STATE OF MONTANA

In the matter of the transfer of Rules )	
26.3.128 through 26.3.131, 26.3.133 )	NOTICE OF
through 26.3.153, 26.3.155 through )	TRANSFER
26.3.165, 26.3.180 through 26.3.183, )	
26.3.186, 26.3.187, and 26.3.189 through )	
26.3.195, 26.3.197 through 26.3.199D, )	
pertaining to surface management, )	
26.3.202, 26.3.204 through 26.3.217, )	
26.3.219, 26.3.220, and 26.3.223 through )	
26.3.225, 26.3.230 through 26.3.237, )	
pertaining to issuance of oil and gas )	
leases, 26.3.302, 26.3.304 through )	
26.3.306, 26.3.309 through 26.3.311, )	
26.3.313 through 26.3.317, and 26.3.319 )	
through 26.3.323 pertaining to coal )	
leasing, 26.3.401, 26.3.403 through )	
26.3.406, and 26.3.408 through 26.3.420, )	
pertaining to geothermal resources, )	
26.3.601, 26.3.603 through 26.3.618 )	
pertaining to metalliferous leasing )	

TO: All Interested Persons.

1. Pursuant to Section 500, Chapter 418, Laws of Montana 1995, effective July 1, 1995, policies and objectives pertaining to surface management, the issuance of oil and gas leases, coal leasing, and geothermal resources, relating to the department of state lands programs was transferred from the Department of State Lands to the Department of Natural Resources and Conservation. In order to implement that legislation, the above referenced rules are being transferred to the administrative rules of the Department of Natural Resources and Conservation.

2. The Department of Natural Resources and Conservation has determined that the transferred rules will be numbered as follows:

<u>OLD</u>	<u>NEW</u>	
26.3.128	36.25.101	QUOTED MATERIAL
26.3.129	36.25.102	DEFINITIONS
26.3.130	36.25.103	GENERAL PROVISIONS
26.3.131	36.25.104	ADMINISTRATIVE DETAILS AND INFORMATION
26.3.133	36.25.106	TERM OF LEASE OR LICENSE
26.3.134	36.25.107	LEASE AND LICENSE FORMS, BID FORMS, AND BONDING
26.3.135	36.25.108	LANDS AVAILABLE FOR LEASING OR LICENSING
26.3.136	36.25.109	RECLASSIFICATION

<u>OLD</u>	<u>NEW</u>	
26.3.137	36.25.110	MINIMUM RENTAL RATES
26.3.138	36.25.111	COMPETITIVE BIDDING
26.3.139	36.25.112	PAYMENTS - WHEN DUE
26.3.140	36.25.113	LEASE AND LICENSE REPORTS
26.3.141	36.25.114	DISPOSAL OF CROPS
26.3.142	36.25.115	ISSUANCE OF LEASE OR LICENSE ON UN- LEASED OR UNLICENSED LAND AND RECLAS- SIFIED LAND
26.3.143	36.25.116	ISSUANCE OF LEASE OR LICENSE ON LAND CURRENTLY UNDER LEASE
26.3.144	36.25.117	RENEWAL OF LEASE OR LICENSE AND PREF- ERENCE RIGHT
26.3.145	36.25.118	ASSIGNMENTS
26.3.146	36.25.119	SUBLEASING
26.3.147	36.25.120	PASTURING AGREEMENTS
26.3.148	36.25.121	CANCELLATION OF LEASE OR LICENSE
26.3.149	36.25.122	MORTGAGES AND PLEDGES
26.3.150	36.25.123	ESTATES
26.3.151	36.25.124	SURRENDERS OR CONSOLIDATION OF LEASES OR LICENSES
26.3.152	36.25.125	IMPROVEMENTS
26.3.153	36.25.126	CONSERVATION MEASURES
26.3.155	36.25.128	SALES
26.3.155A	36.25.129	SALE OF CABINSITES AND CITY OR TOWN LOTS: APPLICATION AND NOTICE PROCE- DURES
26.3.155B	36.25.130	SALE OF CABINSITES AND CITY OR TOWN LOTS: BIDDING AND FINAL BOARD DETER- MINATION
26.3.155C	36.25.131	SALE OF CABINSITES AND CITY OR TOWN LOTS: IMPROVEMENTS
26.3.156	36.25.132	WEEDS, PESTS, AND FIRE PROTECTION
26.3.157	36.25.133	RESERVATIONS
26.3.158	36.25.134	WATER RIGHTS
26.3.159	36.25.135	EASEMENTS
26.3.160	36.25.136	LICENSES
26.3.161	36.25.137	CABINSITES
26.3.162	36.25.138	LESSEE OR LICENSEE DAMAGE COMPENSA- TION REQUIREMENTS
26.3.163	36.25.139	CULTURAL RESOURCES INVENTORY
26.3.164	36.25.140	RESOURCE DEVELOPMENT PROJECT REQUESTS
26.3.165	36.25.141	FEDERAL FARM PROGRAM COMPLIANCE
26.3.180	36.25.143	OVERVIEW OF RECREATION USE RULES
26.3.181	36.25.144	ADMINISTRATION OF RECREATION ON STATE LANDS ADMINISTERED BY THE DEPARTMENT OF STATE LANDS
26.3.182	36.25.145	DEFINITIONS

<u>OLD</u>	<u>NEW</u>	
26.3.183	36.25.146	GENERAL RECREATIONAL USE OF STATE LANDS: LICENSE REQUIREMENT
26.3.186	36.25.149	GENERAL RECREATIONAL USE OF STATE LANDS: RESTRICTIONS
26.3.187	36.25.150	GENERAL RECREATIONAL USE OF STATE LANDS: CATEGORICAL CLOSURES
26.3.189	36.25.152	GENERAL RECREATIONAL USE OF STATE LANDS: PROCEDURE FOR SITE SPECIFIC CLOSURES AFTER SEPTEMBER 1, 1992
26.3.190	36.25.153	MANAGEMENT CLOSURES AND RESTRICTIONS
26.3.191	36.25.154	RECREATIONAL USE ADVISORY COUNCIL
26.3.192	36.25.155	GENERAL RECREATIONAL USE OF STATE LANDS: NOTICE TO LESSEES OF ALL USES OTHER THAN HORSE USE NOT FOR THE PURPOSE OF LICENSED HUNTING, DISCHARGE OF FIREARMS NOT FOR THE PURPOSE OF LICENSED HUNTING, AND OVERNIGHT USE
26.3.192A	36.25.156	GENERAL RECREATIONAL USE OF STATE LANDS: NOTICE TO LESSEES OF OVERNIGHT USE, HORSEBACK USE FOR ANY PURPOSE OTHER THAN LICENSED HUNTING, AND FOR DISCHARGE OF A FIREARM FOR ANY PURPOSE OTHER THAN LICENSED HUNTING
26.3.193	36.25.157	GENERAL RECREATIONAL USE OF STATE LANDS: CIVIL PENALTIES
26.3.194	36.25.158	GENERAL RECREATIONAL USE OF STATE LANDS: DAMAGE REIMBURSEMENT
26.3.195	36.25.159	GENERAL RECREATIONAL USE OF STATE LANDS: WEED CONTROL MANAGEMENT
26.3.197	36.25.161	GENERAL RECREATIONAL USE OF STATE LANDS: OTHER PROVISIONS
26.3.198	36.25.162	SPECIAL RECREATIONAL USE OF STATE LANDS
26.3.199	36.25.163	BLOCK MANAGEMENT AREAS: GENERAL RULES FOR INCLUSION OF STATE LAND
26.3.199A	36.25.164	BLOCK MANAGEMENT AREAS: PROCEDURES FOR INCLUSION OF STATE LAND
26.3.199B	36.25.165	BLOCK MANAGEMENT AREAS: CRITERIA FOR INCLUSION OF STATE LAND
26.3.199C	36.25.166	BLOCK MANAGEMENT AREAS: TERMS OF AGREEMENT
26.3.199D	36.25.167	BLOCK MANAGEMENT AREAS: RENEWAL OF AGREEMENT
26.3.202	36.25.201	DEFINITIONS
26.3.204	36.25.203	LANDS AVAILABLE FOR LEASING
26.3.205	36.25.204	WHO MAY LEASE FOR OIL AND GAS -- QUALIFIED LESSEES



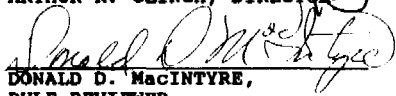
<u>OLD</u>	<u>NEW</u>	
26.3.206	36.25.205	PROCEDURES FOR ISSUE OF LEASE
26.3.207	36.25.206	TERM OF LEASE, EXTENSION BY DRILLING OPERATIONS AT END OF TENTH YEAR
26.3.208	36.25.207	FORM AND PROVISIONS OF LEASE
26.3.209	36.25.208	RENTALS
26.3.210	36.25.209	DELAY DRILLING PENALTIES
26.3.211	36.25.210	ROYALTIES
26.3.211A	36.25.211	SHUT-IN OIL ROYALTIES
26.3.212	36.25.212	ASSIGNMENTS AND TRANSFERS
26.3.213	36.25.213	SURRENDER OF LEASE
26.3.214	36.25.214	FORFEITURE, CANCELLATION, AND TERMI- NATION OF LEASES
26.3.215	36.25.215	POOLING AGREEMENTS AND UNIT AGREE- MENTS
26.3.216	36.25.216	OPERATING AGREEMENTS
26.3.217	36.25.217	OPERATIONS ON STATE LEASES
26.3.219	36.25.219	HEARINGS AND APPEALS
26.3.220	36.25.220	RECORDS
26.3.223	36.25.223	MINIMUM RESTRICTIONS ON SURFACE AC- TIVITY
26.3.224	36.25.224	ADDITIONAL RESTRICTIONS - STIPULA- TIONS
26.3.225	36.25.225	COMPLIANCE WITH LEASE STIPULATIONS AND RESTRICTIONS
26.3.230	36.25.230	APPLICATION FOR SEISMOGRAPHIC PERMIT
26.3.231	36.25.231	PROCEDURE FOR ISSUANCE OF SEISMO- GRAPHIC PERMIT
26.3.232	36.25.232	SURFACE LIMITATIONS FOR SEISMOGRAPHIC PERMIT
26.3.233	36.25.233	OPERATIONS PURSUANT TO A SEISMOGRAPH- IC PERMIT
26.3.234	36.25.234	SEISMOGRAPHIC PLUGGING AND ABANDON- MENT
26.3.235	36.25.235	CANCELLATION OF SEISMOGRAPHIC PERMIT
26.3.236	36.25.236	SEISMOGRAPHIC PERMIT CHARGES
26.3.237	36.25.237	REPORT UPON TERMINATION OF SEISMO- GRAPHIC PERMIT
26.3.302	36.25.301	DEFINITIONS
26.3.304	36.25.302	LANDS AVAILABLE FOR LEASING
26.3.305	36.25.303	WHO MAY LEASE FOR COAL -- QUALIFIED LESSEES
26.3.306	36.25.304	PROCEDURES FOR ISSUE OF LEASE
26.3.309	36.25.309	RENTALS
26.3.310	36.25.310	ROYALTIES
26.3.311	36.25.311	ASSIGNMENTS AND TRANSFERS
26.3.313	36.25.313	IMPROVEMENTS OF FORMER LESSEE
26.3.314	36.25.314	SURRENDER OF LEASE
26.3.315	36.25.315	FORFEITURE, CANCELLATION, AND TERMI- NATION OF LEASES

<u>OLD</u>	<u>NEW</u>	
26.3.316	36.25.316	OPERATING AGREEMENTS
26.3.317	36.25.317	OPERATIONS ON STATE LEASES
26.3.319	36.25.319	HEARINGS AND APPEALS
26.3.320	36.25.320	RECORDS
26.3.321	36.25.321	FEES
26.3.322	36.25.322	AMENDMENT OF RULES AND REGULATIONS
26.3.323	36.25.323	IMPAIRMENT OF CONTRACT
26.3.401	36.25.401	DEFINITIONS
26.3.403	36.25.402	LANDS AVAILABLE FOR LEASING
26.3.404	36.25.403	WHO MAY LEASE
26.3.405	36.25.404	PROCEDURES FOR ISSUANCE OF LEASE
26.3.406	36.25.405	TERM OF LEASE, EXTENSION BY DRILLING
		OPERATIONS AT END OF TENTH YEAR
26.3.408	36.25.406	RENTAL AND ROYALTIES
26.3.409	36.25.407	DILIGENCE
26.3.410	36.25.408	ASSIGNMENTS AND TRANSFERS
26.3.411	36.25.409	OVERRIDING ROYALTY INTERESTS
26.3.412	36.25.410	SURRENDER OF LEASE
26.3.413	36.25.411	FORFEITURE, CANCELLATION, AND TERMINATION OF LEASES
26.3.414	36.25.412	UNIT OR COOPERATIVE PLANS OF DEVELOPMENT OR OPERATION
26.3.415	36.25.413	BONDING REQUIREMENTS
26.3.416	36.25.414	LAND SURFACE USE RIGHTS AND OBLIGATIONS
26.3.417	36.25.415	OPERATIONS
26.3.418	36.25.416	CONFLICTING LEASES
26.3.419	36.25.417	RECORDS
26.3.420	36.25.418	FEES
26.3.601	36.25.601	DEFINITIONS
26.3.603	36.25.602	LANDS AVAILABLE FOR LEASING
26.3.604	36.25.603	WHO MAY LEASE - QUALIFIED LESSEES
26.3.605	36.25.604	APPLICATION FOR LEASE
26.3.606	36.25.605	TERM OF LEASE
26.3.607	36.25.606	RENTALS
26.3.608	36.25.607	ROYALTIES
26.3.609	36.25.608	RECORDS AND REPORTS
26.3.610	36.25.609	ASSIGNMENTS AND TRANSFERS
26.3.611	36.25.610	SURRENDER OF LEASE
26.3.612	36.25.611	CANCELLATION OR TERMINATION
26.3.613	36.25.612	MINIMIZATION OF DISTURBANCE
26.3.614	36.25.613	MINERAL LESSEE'S SURFACE RIGHTS
26.3.615	36.25.614	BONDING
26.3.616	36.25.615	SPECIAL CONDITIONS AND STIPULATIONS
26.3.617	36.25.616	NOTICE OF DISCOVERY OF OTHER MINERALS
26.3.618	36.25.617	HEARINGS AND APPEALS

DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION



ARTHUR R. CLINCH, DIRECTOR



DONALD D. MACINTYRE,  
RULE REVIEWER

Certified to the Secretary of State August 26, 1996.

VOLUME NO. 46

OPINION NO. 23

CITIES AND TOWNS - Authority of cities and counties to form multijurisdictional service districts for library services and lawful purposes of such districts;  
COUNTIES - Authority of cities and counties to form multijurisdictional service districts for library services and lawful purposes of such districts;  
INTERGOVERNMENTAL COOPERATION - Authority of cities and counties to form multijurisdictional service districts for library services and lawful purposes of such districts;  
LIBRARIES - Authority of cities and counties to form multijurisdictional service districts for library services and lawful purposes of such districts;  
LOCAL GOVERNMENT - Authority of cities and counties to form multijurisdictional service districts for library services and lawful purposes of such districts;  
MONTANA CODE ANNOTATED - Sections 7-11-1101 to -1112, 15-10-401 to -412, 22-1-304 to -317;  
OPINIONS OF THE ATTORNEY GENERAL - 46 Op. Att'y Gen. No. 19 (1996), 46 Op. Att'y Gen. No. 17 (1996), 44 Op. Att'y Gen. No. 11 (1991).

- HELD: 1. A city and a county may form a multijurisdictional library service district if they meet all statutory requirements, including that: (1) any existing contract for library services involving residents of one or more of the participating jurisdictions has lawfully expired; (2) any and all requirements of Mont. Code Ann. §§ 7-11-1101 to -1112 are met; and (3) any applicable requirements of Mont. Code Ann. §§ 15-10-401 to -412 are met.
2. A multijurisdictional service district may not be formed for the sole purpose of equalizing the tax burden among those currently using the service, but as long as the district provides services in the manner required by Mont. Code Ann. § 7-11-1101, it may also use a multijurisdictional service district to equalize the tax burden among those who use the service.

August 16, 1996

Mr. Paul Luwe  
Bozeman City Attorney  
P.O. Box 640  
Bozeman, MT 59771-0640

Dear Mr. Luwe:

You have requested my opinion on the following question:

May a city and a county establish a multijurisdictional library service district upon the expiration of their interlocal agreement concerning library services, in order to equalize the tax burden among those who are currently using the library?

Your letter of inquiry indicates that currently Gallatin County has an annual contract with the Bozeman City Library (as well as contracts with four other city libraries within the county) which provides that the city library will furnish library services to rural residents of the county. Recently, the trustees of the Bozeman City Library have noted what they consider a severe funding inequity between the taxpayers of the City of Bozeman and the taxpayers of Gallatin County with respect to the library. You also cite statistics showing that use of the library by county residents has recently increased relative to that of city residents. This situation is of great concern to the board of trustees of the Bozeman City Library. One suggested solution is the establishment of a multijurisdictional district for library services. I am also informed that the voters of Gallatin County have passed a ballot issue authorizing the county commissioners to increase the library levy from 1.5 to 5 mills, so this may ameliorate the situation.

In light of these circumstances, your question raises two primary concerns: (1) the mechanics of a possible transition from the current situation where the city library has assumed county library functions (Mont. Code Ann. § 22-1-315), to a multijurisdictional library service district ("MLSD") (Mont. Code Ann. §§ 7-11-1101 to -1112); and (2) the means available under law, if any, for "equalizing the tax burden among those who will be using the service."

As you know, my predecessor addressed a somewhat similar situation in Lake County in 44 Op. Att'y Gen. No. 11 (1991). Several significant differences exist between the situation you present and the situation discussed in that opinion. For reasons I discuss below, those differences limit the applicability of the previous opinion to the situation you present.

Municipalities and counties may form multijurisdictional service districts to provide either "(1) a higher level of service than is available through the local governments forming such a district, or (2) services that are not available through the governments forming such a district." Mont. Code Ann. § 7-11-1101. Library services are specifically listed as services that such districts may provide. Mont. Code Ann. § 7-11-1102(2)(c).

There are several statutory restrictions on multijurisdictional library service districts: (1) the establishment of an MLSD may not supersede or void an existing agreement for the same service in the area (Mont. Code Ann. § 7-11-111(3)); (2) the administration of an MLSD must be conducted pursuant to Mont. Code Ann. §§ 22-1-305 to -317 (Mont. Code Ann. § 7-11-111(4));

(3) property taxes levied for an MLSD must be added to the taxes levied under Mont. Code Ann. § 22-1-304 (Mont. Code Ann. § 7-11-1112(1)); (4) property taxes levied to support an MLSD are subject to the tax limitations of I-105 (Mont. Code Ann. §§ 15-10-401 to -412). 46 Op. Att'y Gen. No. 19 (1996). In addition, the current arrangement whereby the Bozeman City Library has assumed the functions of the Gallatin County Library may not be terminated without six months' notice by either party. Mont. Code Ann. § 22-1-315(3).

As you can see, several budgetary and library-related statutes affect the formation of an MLSD, and all must be harmonized if possible. Mercury Marine v. Monty's Enters., 270 Mont. 413, 417, 892 P.2d 568, 571 (1995). I see no inherent conflict in any of these statutes, but care must be taken to ensure that they are all observed. It is clear that a city and a county may form a multijurisdictional library service district if they meet all statutory requirements, including that: (1) any existing contract for library services involving residents of one or more of the participating jurisdictions is lawfully terminated, (2) any and all applicable requirements of the multijurisdictional service district law (Mont. Code Ann. §§ 7-11-1101 to -1112) are met, and (3) any and all applicable requirements of I-105 (Mont. Code Ann. §§ 15-10-401 to -412) are met.

The second issue concerns formation of an MLSD with the purpose of equalizing the tax burden among those who will be using the service. You argue at length in your letter that equalizing the tax burden among those currently using the service constitutes a "higher level of service," in the words of Mont. Code Ann. § 7-11-1101. However, my reading of the statute suggests that equalizing the tax burden, standing alone, does not satisfy this criterion. The statute states:

Municipalities and counties may form multijurisdictional service districts to provide:

- (1) a higher level of service than is available through the local governments forming such a district; or
- (2) services that are not available through the governments forming such a district.

Mont. Code Ann. § 7-11-1101. I agree with you that the legislature clearly contemplated tax equity as one important reason for the passage of this law, but the plain words of the statute control prior to any invocation of legislative intent. Gulbrandson v. Carey, 272 Mont. 494, 500, 901 P.2d 573, 577 (1995); 46 Op. Att'y Gen. No. 17 at 3-4 (1996).

The statute speaks plainly of forming a multijurisdictional service district to provide either a higher level of services or services that are not available. "Services," when used in the

context of governmental functions, connotes meeting some perceived need of the community--such as a need for library services, park or recreational services, road maintenance services, or other services listed in Mont. Code Ann. § 7-11-1102. Equalizing the tax burden necessary to support a service is more in the nature of carrying out a policy than it is of providing a service. But, these two actions are not mutually exclusive. The statute does not require that providing increased services be the **only** function of a service district, only that providing increased services must be **at least one** function of a proper multijurisdictional service district. State v. Berger, 259 Mont. 364, 367, 856 P.2d 552, 554 (1992) (statutory interpretation must give effect to all words used).

In sum, the legislature directed that a multijurisdictional service district must provide services in one of the two manners specified in Mont. Code Ann. § 7-11-1101. If the district also provided for an equalized tax burden among those currently using a service, that would surely be in keeping with the legislature's intent in passing the law and would be lawful. Since your question is premised on the assumption that the current contract for library services will expire, at that point it could certainly be argued that a newly-formed MLSD would meet the increased service criteria of Mont. Code Ann. § 7-11-1101, since following the expiration of the contract county library services would not be provided at all.

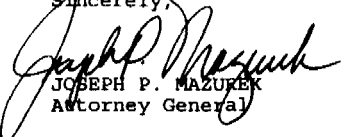
Under the circumstances you present 44 Op. Att'y Gen. No. 11 (1991) is not controlling. The holding of that opinion was premised on two assumptions important here: (1) that the new multijurisdictional service district would be formed within an existing service district, resulting in an increased mill levy for providing the same service; and (2) that the (apparently sole) purpose of establishing the new service district would be to raise the mill levy. The situation that gives rise to your question is quite different. You assume: (1) that the city-county library contract will have expired, so there will not be two districts providing the service, and (2) that the new MLSD will make available to out-of-city residents of the Bozeman area services that will not be available when the contract expires. Thus, the holding in 44 Op. Att'y Gen. No. 11 does not apply to the situation you describe.

THEREFORE, IT IS MY OPINION:

1. A city and a county may form a multijurisdictional library service district if they meet all statutory requirements, including that: (1) any existing contract for library services involving residents of one or more of the participating jurisdictions has lawfully expired; (2) any and all requirements of Mont. Code Ann. §§ 7-11-1101 to -1112 are met; and (3) any applicable requirements of Mont. Code Ann. §§ 15-10-401 to -412 are met.

2. A multijurisdictional service district may not be formed for the sole purpose of equalizing the tax burden among those currently using the service, but as long as the district provides services in the manner required by Mont. Code Ann. § 7-11-1101, it may also use a multijurisdictional service district to equalize the tax burden among those who use the service.

Sincerely,



JOSEPH P. MAZUREK  
Attorney General

jpm/rfs/lrb



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 March 31, 1996. This table includes those rules adopted during the period April 1, 1996 through June 30, 1996 and any proposed rule action that was 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, 1996, 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 1995 and 1996 Montana Administrative Registers.

To aid the user, the Accumulative Table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number. These will fall alphabetically after department rulemaking actions. Accumulative Table entries will be listed with the department name under which they were proposed, e.g., Department of Health and Environmental Sciences as opposed to Department of Environmental Quality.

### GENERAL PROVISIONS, Title 1

- 1.2.419 Filing, Compiling, Printer Pickup and Publication of the Montana Administrative Register, p. 2239, 2694

### ADMINISTRATION, Department of, Title 2

- 2.6.101 Insurance Requirements for Independent Contractors, p. 705  
2.11.101 and other rule - Solicitation - Access Limitations, p. 1, 544  
2.21.507 Jury Duty and Witness Leave, p. 2313, 131  
2.21.1101 and other rules - The Education and Training Policy, p. 2317, 132  
2.21.1201 and other rules - Personnel Policy, p. 945, 1635  
2.21.1601 and other rules - The Alternate Work Schedules Policy, p. 2321, 134  
2.21.1711 and other rule - Overtime and Nonexempt Compensatory Time, p. 2544, 404  
2.21.1802 and other rules - Exempt Compensatory Time, p. 2546, 405

- 2.21.3006 Decedent's Warrants, p. 2319, 136
- 2.21.3703 and other rules - Recruitment and Selection, p. 2553, 406
- 2.21.3901 and other rules - The Employee Exchange/Loan Policy, p. 2315, 137
- 2.21.4906 and other rules - The Moving and Relocation Expenses Policy, p. 2311, 139
- 2.21.5006 and other rules - Reduction in Work Force, p. 2548, 407

(Public Employees' Retirement Board)

- I Service Purchases by Inactive Vested Members, p. 1721, 2386
- 2.43.411 and other rules - Service in the National Guard - Job Sharing - Retirement Incentive Program, p. 2323, 408
- 2.43.808 Mailing Information on Behalf of Non-profit Organizations, p. 481

(State Tax Appeal Board)

- 2.51.307 Orders of the Board, p. 703, 1295

(State Compensation Insurance Fund)

- I and other rule - Policy Charge - Minimum Yearly Premium, p. 1067, 1792
- 2.55.321 and other rules - Premium Rate Setting, p. 2558, 410
- 2.55.408 Retrospective Rating Plans, p. 1770, 2278

AGRICULTURE, Department of, Title 4

- I Emergency Adoption - Imposing a Quarantine on the Importation of Grain Into Montana, p. 898
- I and other rule - Spread of Late Blight Disease of Potatoes - Civil Penalties - Matrix, p. 3, 900
- I-XVI Preventing the Introduction of Noxious Weed Seeds from Forage in the State, p. 830, 1361
- 4.3.401 and other rules - Registration Requirements - Applicator Classifications and Requirements - Student Loans - Wheat and Barley Food and Fuel Grants - Restriction of Pesticide Rules - Endrin - 1080 Livestock Protection Collars - Registration and Use of M-44 Sodium Cyanide Capsules and M-44 Devices - Rodenticide Surcharge and Grants - Montana Agricultural Loan Authority - Agriculture Incubator Program, p. 2714, 545, 667
- 4.9.101 and other rules - Wheat and Barley Committee Rules, p. 1343, 1826
- 4.12.1428 Assessment Fees on All Produce, p. 2712, 546
- 4.12.3402 Seed Laboratory Analysis Fees, p. 2084, 262

STATE AUDITOR, Title 6

- I Securities Regulation on the Internet, p. 1346, 1828
- I Supervision, Rehabilitation and Liquidation of State Regulated Employer Groups, p. 1470, 2134, 2468

- I-IV Long Term Care - Standards for Marketing - Appropriate Sale Criteria - Nonforfeiture Requirements - Forms, p. 1729, 2242, 143
- I-V Regulation of Managed Care Community Networks, p. 1819, 2675
- I-X Actuarial Opinion, p. 842, 1371
- I-XIV Medicare Select Policies and Certificates, p. 9, 907, 1645
- 6.2.103 and other rules - Procedural Rules of the State Auditor's Office, p. 1227, 1636
- 6.6.401 and other rules - College Student Life Insurance, p. 2573, 264
- 6.6.503 and other rules - Medicare Supplement Insurance, p. 947, 1637, 2156
- 6.6.1101 and other rules - Credit Life - Disability Insurance, p. 955, 1646, 2157
- 6.6.1104 Limitation of Presumption of Reasonableness of Credit Life - Disability Rates, p. 7, 746, 1131
- 6.6.1506 Premium Deferral and Cash Discounts, p. 2722, 413
- 6.6.2001 and other rules - Unfair Trade Practices on Cancellations, Non-renewals, or Premium Increases of Casualty or Property Insurance, p. 2720, 414, 2158
- 6.6.2007 and other rules - Unfair Trade Practices on Cancellations, Non-renewals, or Premium Increases of Casualty or Property Insurance, p. 869, 1370, 2159
- 6.6.2301 and other rules - Montana Insurance Assistance Plan, p. 2448, 265
- 6.6.2901 and other rules - Prelicensing Education Program, p. 2444, 266
- 6.6.3201 and other rules - Pricing of Noncompetitive or Volatile Lines, p. 2446, 267
- 6.6.3802 and other rule - Trust Agreement Conditions - Conditions Applicable to Reinsurance Agreements, p. 2718, 415
- 6.6.4001 Valuation of Securities other than those Specifically Referred to in Statutes, p. 2575, 268
- 6.6.4102 and other rules - Fee Schedules - Continuing Education Program for Insurance Producers and Consultants, p. 963, 1661
- 6.6.4102 and other rule - Insurance Licensee Continuing Education Fees - Continuing Education Program Administrative Rule Definitions, p. 2325, 2793
- 6.6.5001 and other rules - Small Employer Health Benefit Plans and Reinsurance, p. 1472, 2127, 141
- 6.10.102 and other rules - Securities Regulation, p. 2724, 1133
- 6.10.122 Securities Regulation - Broker-Dealer Books and Records, p. 15, 1136
- (Classification Review Committee)
- 6.6.8001 and other rules - Informal Advisory Hearing Procedure - Agency Organization - Adoption of Model Rules - Definitions - Administrative Appeal of Classification Decision - General Hearing Procedure - Updating References to the NCCI Basic Manual for

- Workers' Compensation and Employers' Liability Insurance, 1980 Edition, p. 985, 2138, 2682
- 6.6.3801 Updating References to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance, 1996 ed., p. 1348, 1827
- 6.6.8301 Updating References to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance, 1996 ed., p. 866, 1372
- 6.6.8301 Updating References to the NCCI Basic Manual for Workers' Compensation and Employers' Liability Insurance, 1996 ed., p. 2728, 547

COMMERCE, Department of, Title 8

- 8.2.207 General Rules of the Department - Process Servers - Polygraph Examiners - Private Employment Agencies - Public Contractors, p. 2175, 2794
- 8.2.208 Renewal Dates, p. 346, 1373

(Board of Alternative Health Care)

- I Vaginal Birth After Cesarean (VBAC) Delivery, p. 348, 1829
- 8.4.301 and other rules - Fees - Renewal - Unprofessional Conduct - Licensing of Out-of-State Applicants - Certification for Speciality Practice of Naturopathic Physician Continuing Education - Direct Entry Midwife Apprenticeship Requirements, p. 2230
- 8.4.505 and other rule - High Risk Pregnancy - Conditions Which Require Physician Consultation, p. 1377, 2684

(Board of Architects)

- 8.6.405 and other rules - Practice of Architecture, p. 2060

(Board of Athletics)

- 8.8.2804 and other rules - Athletic Events - Participants, p. 969, 1664

(Board of Barbers)

- 8.10.403 and other rules - Barbers, Barber Shops and Barber Schools, p. 1432

(Board of Chiropractors)

- 8.12.601 and other rules - Chiropractors, p. 974

(Board of Clinical Laboratory Science Practitioners)

- 8.13.304 and other rules - Practice of Clinical Laboratory Science, p. 350, 1296

(Board of Cosmetologists)

- 8.14.802 License Examinations, p. 871
- 8.14.802 Emergency Amendment - License Examinations, p. 416

(Board of Dentistry)

- 8.16.405 and other rule - Fee Schedules, p. 1823, 2686  
8.16.408 and other rules - Applications to Convert Inactive  
Status Licenses to Active Status Licenses - Dental  
Hygienists - Definitions - Use of Auxiliary  
Personnel and Dental Hygienists - Dental  
Auxiliaries, p. 1380, 2469, 2795

(State Electrical Board)

- 8.18.401 and other rules - Electrical Industry, p. 2065

(Professional and Occupational Licensing Bureau)

- 8.19.101 and other rules - Transfer from the Department of  
Justice - Fire Prevention and Investigation,  
p. 1825, 2087, 748

(Board of Horse Racing)

- 8.22.501 and other rules - Definitions - General Provisions  
-Claiming, p. 217, 763  
8.22.703 and other rule - Exercise Persons - Pony Persons,  
p. 1350, 1964  
8.22.703 and other rules - Horse Racing Industry, p. 2178,  
2796

(Board of Medical Examiners)

- 8.28.401 and other rules - Physician - Acupuncturist -  
Emergency Medical Technician - Physician Assistant -  
Certified - Podiatrist - Nutritionist Licensure,  
p. 1736, 2480, 144, 269  
8.28.911 and other rule - Nutritionists, p. 616, 2279

(Board of Funeral Service)

- 8.30.101 and other rules - Morticians - Mortuaries -  
Crematories - Crematory Operators - Crematory  
Technicians, p. 2073

(Board of Nursing)

- I Temporary Practice Permits for Advanced Practice  
Registered Nurses, p. 2450, 419  
8.32.304 and other rules - Advanced Practice Registered  
Nursing - Licensure by Examination - Re-examination  
- Licensure by Endorsement - Foreign Nurses -  
Temporary Permits - Inactive Status - Conduct of  
Nurses - Fees - Duties of President - Approval of  
Schools - Annual Report, p. 2181, 418  
8.32.413 Conduct of Nurses, p. 353, 1489

(Board of Occupational Therapists)

- 8.35.401 and other rules - Practice of Occupational Therapy,  
p. 1448, 1586

(Board of Optometry)

- 8.36.406 and other rules - General Practice Requirements -  
Unprofessional Conduct - Fees - Disciplinary Actions

- Continuing Education concerning the Practice of Optometry, p. 2238

(Board of Outfitters)

8.39.202 and other rules - Outfitting Industry, p. 2327, 668, 909

8.39.518 and other rules - Fees - Moratorium - Operations Plan Review, p. 1761, 2388, 2797, 145, 765

(Board of Pharmacy)

8.40.404 and other rules - Fees - Dangerous Drugs - Transmission of Prescriptions by Facsimile, p. 1834, 2689

8.40.1601 and other rules - Out-of-State Mail Service Pharmacies, p. 2339, 220, 1297

(Board of Physical Therapy Examiners)

8.42.402 and other rules - Licensure of Physical Therapists - Physical Therapist Assistants - Foreign-Trained Physical Therapists, p. 2245

8.42.402 and other rules - Examinations - Fees - Renewals - Temporary Licenses - Licensure by Endorsement - Exemptions - Foreign-Trained Applicants - Unprofessional Conduct - Disciplinary Actions, p. 1837, 2483

(Board of Plumbers)

8.44.402 and other rules - Plumbing Industry, p. 2081

8.44.402 and other rules - Definitions - Fees - Medical Gas Piping Installation Endorsements, p. 1842, 2798

(Board of Professional Engineers and Land Surveyors)

8.48.401 and other rules - Practice of Professional Engineers and Land Surveyors, p. 2085

(Board of Psychologists)

I Licensure of Senior Psychologists, p. 2452, 151

(Board of Public Accountants)

8.54.402 and other rules - Examinations - Out-of-State Candidates for Examination - Education Requirements - Fees, p. 1460, 2280

8.54.402 and other rules - Emergency Amendment - Examinations - Out-of-State Candidates for Examination - Education Requirements - Fees, p. 1490

(Board of Radiologic Technologists)

8.56.402 and other rules - Radiologic Technologists, p. 618, 1138

(Board of Realty Regulation)

8.58.406A and other rules - Realty Regulation, p. 1609, 2397, 2799



(Board of Sanitaricians)

8.60.401 and other rules - Sanitaricians, p. 626, 985, 1965

(Board of Speech-Language Pathologists and Audiologists)

8.62.413 and other rules - Practice of Speech-Language Pathology and Audiology, p. 2103

(Board of Passenger Tramway Safety)

8.63.504 and other rule - Registration of New, Relocated or Major Modification of Tramways - Conference Call Meetings, p. 633, 1299

(Board of Veterinary Medicine)

8.64.402 and other rules - Fees - Application Requirements - Temporary Permits - Examinations - Annual Renewals - Continuing Education - Unprofessional Conduct - Applications for Certification of Embryo Transfer - Unprofessional Conduct for Embryo Transfer - Disciplinary Actions - Advisory Committee, p. 2253  
8.64.402 and other rule - Fees - Licensees from Other States, p. 2189, 2800

(Building Codes Bureau)

8.70.101 Incorporation by Reference of Uniform Building Code, p. 707  
8.70.101 Emergency Amendment - Building Permit Fees, p. 676  
8.70.101 and other rules - Building Codes, p. 2342, 420  
8.70.108 and other rules - Incorporation by Reference of CABO One and Two Family Dwelling Code - Funding of Code Enforcement Programs - Extension of Municipal Jurisdictional Area - Incorporation by Reference of Safety Code for Elevators and Escalators, p. 1475, 2160  
8.70.208 and other rule - Emergency Amendment - Funding of Code Enforcement Programs - Extension of Municipal Jurisdictional Area, p. 1494

(Weights and Measures Bureau)

8.77.107 and other rules - Fees - Commodities - Random Inspection of Packages - Petroleum Products - Metric Packaging of Fluid Milk Products, p. 1845, 2486

(Consumer Affairs Office)

8.78.202 and other rules - Repair and Servicing of Automobiles - Consumer Reporting Agencies - Operation of Proprietary Schools, p. 1352, 2284

(Banking and Financial Institutions Division)

8.80.108 Limitations on Loans, p. 355, 2161  
8.80.307 Dollar Amounts to which Consumer Loan Rate are to be Applied, p. 986, 2165

(Local Government Assistance Division)

8.83.401 and other rules - State Grants to Counties for District Court Assistance, p. 988, 1665

(Board of Milk Control)

- 8.86.301 Elimination of Minimum Wholesale and Retail Prices  
- Producer Price Formulas, p. 2192, 2691

(Local Government Assistance Division)

- I & II and other rules - 1996 Federal Community Development  
Block Grant Program - 1996 Treasure State Endowment  
(TSEP) Program - 1987 and 1988 Federal Community  
Development Block Grant Programs, p. 2454, 1300

(Board of Investments)

- 8.97.715 and other rules - Municipal Finance Consolidation  
Program - Montana Cash Anticipation Financing  
Program, p. 360, 766, 910

(Economic Development Division)

- 8.99.401 and other rules - Microbusiness Advisory Council,  
p. 636, 2166

(Board of Housing)

- 8.111.303 and other rules - Financing Programs - Qualified  
Lending Institutions - Income Limits - Loan Amounts,  
p. 2202, 2801  
8.111.305 and other rules - Lending Institutions - Loan  
Servicers, p. 2577, 679

(Board of Science and Technology Development)

- 8.122.601 Application Procedures for a Seed Capital Technology  
Loan - Submission and Use of Executive Summary,  
p. 2204, 548, 912

(Montana Lottery)

- 8.127.101 and other rules - Organizational Rule - Instant  
Tickets - Prizes, p. 2110  
8.127.407 and other rule - Retailer Commission - Sales Staff  
Incentive Plan, p. 1479

EDUCATION, Title 10

(Office of Public Instruction)

- 10.20.201 and other rules - School Finance - Budgeting and  
Funding, p. 1230, 2168

(Board of Public Education)

- I Class 7 American Indian Language and Culture  
Specialist, p. 2089, 2803  
10.57.211 Test for Certification, p. 2457, 680  
10.57.301 Endorsement Information, p. 990, 1666, 1835  
10.57.403 and other rule - Class 3 Administrative Certificate  
- Class 5 Provisional Certificate, p. 1769, 2802  
10.57.405 Class 5 Provisional Certificate, p. 2377, 2802

(Montana Historical Society)

- I-XIV Procedures that State Agencies Must Follow to Protect Heritage Properties and Paleontological Remains - Providing General Procedures which the State Historic Preservation Office Must Follow in Implementing Its General Statutory Authority, p. 1920

(State Library Commission)

- 10.102.5102 and other rule - Allocation of Funding Between Federations and Grant Programs - Arbitration of Disputes Within Federations, p. 18, 1374

FISH, WILDLIFE, AND PARKS, Department of, Title 12

- I Application Process and Criteria for a Scientific Collectors Permit, p. 373, 1148, 2171  
12.6.1604 and other rules - Regulation of Roadside Zoos - Game Bird Farms - Fun Farms- Migratory Game Bird Avicultural Permits - Tattooing of Certain Captive Predators, p. 1002, 1839

(Fish, Wildlife, and Parks Commission)

- 12.4.102 Stream Access Definitions in Rules, p. 994, 1838  
12.6.901 Water Safety on Johnson and South Sandstone Reservoirs, p. 710, 1375  
12.6.901 Restriction of Motor-Propelled Water Craft on the Clark Fork River, p. 712, 1376  
12.6.901 Creating a No Wake Speed Zone near Rock Creek Marina in Fort Peck Reservoir, p. 2459, 270  
12.9.105 and other rules - Wild Turkey Policy - 10-80 Baits -Reintroduction of Peregrine Falcon, p. 1014, 1842

(Fish, Wildlife, and Parks Commission and Department of Fish, Wildlife, and Parks)

- I-XII and other rule - Future Fisheries Program - Categorical Exclusions, p. 1866, 153  
12.2.304 and other rules - Natural Resources Policies - Public Participation, p. 997, 1836  
12.3.104 and other rules - Licensing, p. 221, 768  
12.3.107 and other rules - Issuance of Hunting, Fishing and Trapping Licenses, p. 991, 1837  
12.4.202 and other rules - Hunter Access and Landowner Incentives Under the Block Management Program, p. 483, 1139  
12.7.401 and other rules - Fish Ladders - River Restoration Program, p. 1007, 1840  
12.8.101 and other rules - State Park System - State Recreational Waterway System - Cultural Resources, p. 1011, 1841  
12.9.208 Abandonment of the Skalkaho Game Preserve, p. 2731, 549

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

- I-VII Aboveground Tanks - Minimum Standards for Aboveground Double-walled Petroleum Storage Tank Systems, p. 1087, 2491
- 16.45.402 and other rule - Underground Storage Tanks - Minimum Standards for Underground Piping, p. 1081, 2488
- 16.45.1101 and other rule - Underground Storage Tanks - Minimum Standards for Double-walled UST Systems, p. 1084, 2489

ENVIRONMENTAL QUALITY, Department of, Title 17

- 16.2.101 and other rules - MEPA - Transfer of Department of Health and Environmental Sciences and Department of State Lands Procedural Rules for the Montana Environmental Policy Act, p. 1497
- 16.40.101 and other rules - Occupational Health - Transfer from Department of Health and Environmental Sciences - Radiation Control - Occupational Health, p. 433, 681
- 16.44.101 and other rules - Hazardous Waste - Transfer from Department of Health and Environmental Sciences - Hazardous Waste Management, p. 2416
- 17.54.102 and other rules - Updating Federal Incorporations by Reference, p. 20, 1382

(Board of Environmental Review)

- I Water Quality - Temporary Water Standards for Daisy Creek, Stillwater River, Fisher Creek, and the Clark's Fork of the Yellowstone River, p. 1652, 1872, 2211, 1049
- I-IX Air Quality - Incorporating Federal Transportation Conformity Rules - Adopting Interagency Consultation Procedures, p. 1775, 2299
- 16.8.701 and other rules - Air Quality - Adopting the Current Federal Definition of Volatile Organic Compounds, p. 1019, 1843
- 16.8.701 and other rules - Air Quality - Volatile Organic Compounds Definitions, p. 1645, 2410
- 16.8.704 and other rules - Air Quality - Updating the Incorporations by Reference and References to the MCA to the Most Recent Regulations and Statutes - Combining Certain Provisions of the Air Quality Rules, p. 1034, 1844
- 16.8.705 and other rule - Air Quality - Replacing Equipment Due to Malfunctions, p. 1640, 2411
- 16.8.1101 and other rules - Air Quality - Adding Human Health Risk Assessment to the Preconstruction Permit Application Requirements for Incineration Facilities Subject to 75-2-215, MCA, p. 1026, 2291
- 16.8.1102 and other rules - Air Quality - Allowing Existing Facilities Flexibility to make Minor Changes without Revising their Air Quality Preconstruction Permits, p. 1772, 2293

- 16.8.1107 Air Quality - Public Review of Air Quality  
Preconstruction Permit Applications, p. 488, 1149
- 16.8.1301 and other rule - Air Quality - Open Burning in  
Eastern Montana, p. 1634, 2412
- 16.8.1402 and other rule - Air Quality - Particulate Emission  
Limits for Fuel Burning Equipment and Industrial  
Processes, p. 1636, 2413
- 16.8.1414 Air Quality - Sulfur Oxide Emissions from Lead  
Smelters, p. 1644, 2414
- 16.8.1419 Air Quality - Fluoride Emissions - Phosphate  
Processing, p. 1017, 1852
- 16.8.1429 and other rule - Air Quality - Adopting Federal  
Regulations for the Administration of Maximum  
Achievable Control Technology Standards, p. 1024,  
2298
- 16.8.1903 and other rule - Air Quality - Air Quality Operation  
Fees - Air Quality Permit Application Fees, p. 1928
- 16.8.1903 and other rule - Air Quality - Air Quality Operation  
Fees - Air Quality Permit Application Fees, p. 1648,  
2415
- 16.8.1906 and other rules - Air Quality - Rules Regarding Air  
Quality, p. 2260
- 16.8.2026 Air Quality - Acid Rain, p. 1022, 1853
- 16.20.603 and other rules - Water Quality - Surface and  
Groundwater Water Quality Standards - Mixing Zones  
-Nondegradation of Water Quality, p. 2212, 555
- 17.30.640 and other rules - Water Quality - Water Quality,  
p. 1047, 1854
- 17.30.1501 and other rules - Water Quality - Permitting of In-  
Situ Uranium Mining, p. 2263
- 26.2.641 and other rules - MEPA - Montana Environmental  
Policy Act for the Department of State Lands,  
p. 491, 1150
- 26.4.107M and other rules - Hard Rock - Enforcement -  
Penalties, p. 1786
- 26.4.301 and other rules - Abandoned Mines - Abandoned Mine  
Reclamation Program, p. 2265
- (Department of Environmental Quality and Board of Environmental  
Review)
- 16.8.101 and other rules - Air Quality - Transfer from  
Department of Health and Environmental Sciences -  
Air Quality - Air and Water Quality Tax  
Certification, p. 2285
- 16.16.101 and other rules - Water Quality - Transfer from  
Department of Health and Environmental Sciences -  
Water Quality, p. 493, 1499
- (Petroleum Tank Relief Compensation Board)
- 16.47.101 and other rules - Petroleum Tank Release  
Compensation Board, p. 1587

TRANSPORTATION, Department of, Title 18

- I and other rules - Establishing Refund Percentages for PTO or Auxiliary Engines - Motor Fuels, p. 2733, 913
- I-IV Staggered Registration of Motor Carriers with Multiple Fleets of Vehicles, p. 1773, 2422
- 18.8.101 and other rules - Motor Carrier Services Program, p. 714, 1971
- 18.12.501 and other rules - Aeronautical Powers and Duties, p. 1943

(Transportation Commission)

- 18.6.202 and other rules - Outdoor Advertising Regulations, p. 39, 1855
- 18.6.211 Application Fees for Outdoor Advertising, p. 2091, 158

(Department of Transportation and Transportation Commission)

- I-VII Debarment of Contractors Due to Violations of Department Requirements - Determination of Contractor Responsibility, p. 1930

CORRECTIONS, Department of, Title 20

(Board of Pardons and Parole)

- 20.25.101 and other rules - Revision of the Rules of the Board of Pardons and Parole, p. 2461

JUSTICE, Department of, Title 23

Notice of Proposed Amendments to the Certificate of Public Advantage and Approving the Merger of Columbus Hospital and Montana Deaconess Medical Center, p. 1481A

Notice of Application for Certificate of Public Advantage by the Columbus Hospital and Montana Deaconess Medical Center, Great Falls, Montana, p. 2579

- I-III Handling, Collection, Transportation, Sampling and Storage of Blood Samples for DNA Indexing, p. 1605, 2172
- I-VIII Operation, Inspection, Classification, Rotation and Insurance of Tow Trucks, p. 503
- I-IX Operation, Inspection, Classification, Rotation, and Insurance of Commercial Tow trucks, p. 2267
- I-X and other rules - Adoption of the 1994 Uniform Fire Code and the 1994 Edition of the Uniform Fire Code Standards, p. 1497, 439
- 23.4.201 and other rules - Administration of Preliminary Alcohol Screening Tests - Training of Peace Officers Who Administer the Tests, p. 2093, 2805
- 23.5.101 and other rules - Adoption of Subsequent Amendments to Federal Rules Presently Incorporated by Reference

- Motor Carrier and Commercial Motor Vehicle Safety Standard Regulations, p. 2380, 2807
- 23.5.102 Emergency Amendment - Hours-of-Service Requirements for Certain Industries to Conform with Changes in Federal Law Presently Incorporated by Reference Pertaining to Motor Carrier and Commercial Vehicle Safety Standard Regulations, p. 2177
- (Board of Crime Control)
- 23.14.401 and other rules - Peace Officers Standards and Training - DARE Trust Fund, p. 1260
- 23.14.405 Peace Officers with Out-of-State Experience Who Seek Certification in Montana, p. 2745, 556
- 23.14.423 and other rules - Training and Certification of Non-Sworn Officers and Coroners, p. 1873, 271
- 23.14.802 and other rules - Peace Officer Standards and Training Advisory Council - Revocation and/or Suspension of Peace Officer Certification, p. 1883, 2811

LABOR AND INDUSTRY, Department of, Title 24

- I and other rules - Unemployment Insurance Case Procedures - Employment Status [Independent Contractor] Issues, p. 1051, 1667
- I and other rules - Procedure in Workers' Compensation Matters - Employment Status [Independent Contractor], p. 1061, 1673
- I-III and other rules - Wage Claim Procedures - Employment Status [Independent Contractor] Issues, p. 1056, 1668
- I-V Workers' Compensation Administrative Assessment, p. 1609
- I-V and other rule - Exemption of Independent Contractors from Workers' Compensation Coverage, p. 725, 1303
- I-XI Creating One Process for Determining All Employment Status Issues, Including that of Independent Contractor, p. 1070, 1676
- I-XVII and other rules - Workers' Compensation Plan Number One [Plan 1] Requirements and Eligibility, p. 512, 1151
- 24.12.201 and other rules - New Horizons Program, p. 2747, 560
- 24.14.101 and other rules - Maternity Leave, p. 2749, 561
- 24.16.9007 Prevailing Wage Rates - Building Construction, p. 873, 1669
- 24.21.414 Adoption of Wage Rates for Certain Apprenticeship Programs, p. 875
- 24.21.414 Wage Rates for Certain Apprenticeship Programs, p. 1887, 2812
- 24.28.101 and other rules - Workers' Compensation Mediation, p. 2216, 2818
- 24.29.706A and other rules - Transfer of Independent Contractor Rules to ARM Title 24, Chapter 35, p. 1863

- 24.30.102 and other rules - Occupational Safety and Health Standards for Public Sector Employment - Logging Safety for Public Sector Employment, p. 2581, 273
- 24.30.2542 and other rules - Safety Culture Act - Safety Committee, p. 1542, 445
- 24.31.101 and other rules - Crime Victims Compensation Program, p. 2751, 562

(Workers' Compensation Judge)

- 24.5.316 and other rules - Procedural Rules, p. 50, 557

(Human Rights Commission)

- 24.9.801 and other rules - Proof of Discrimination, p. 1790

STATE LANDS, Department of, Title 26

(Board of Land Commissioners and Board of Environmental Review)

- 26.4.161 Requirement for an Operating Permit for Hard Rock Mills that are not Located at a Mine Site and that use Cyanide, p. 1102, 2498

LIVESTOCK, Department of, Title 32

- 8.79.101 and other rules - Transfer of Milk Control Bureau and Board of Milk Control Rules to the Department of Livestock, p. 456

(Milk Control Bureau)

- 8.79.101 and other rules - Definitions for the Purchase and Resale of Milk - Transactions Involving the Resale of Milk - Regulation of Unfair Trade Practices, p. 2585, 455

(Board of Livestock)

- 32.3.121 and other rules - Disease Control - Animal Feeding, Slaughter, and Disposal - Fluid Milk and Grade A Milk Products - General Licensing and Provisions - Marketing of Livestock - Branding and Inspection, p. 376, 1864
- 32.3.201 and other rules - Importation of Animals and Semen into Montana - Brucellosis - Tuberculosis - Poultry - Animal Identifications - Control of Biologics - Rendering Plants - Vehicles and Equipment - Animal Health Requirements for Livestock Markets - Official Tuberculin Tests, p. 1803, 2300

(Board of Milk Control)

- I-IV and other rule - Milk Utilization - Marketing of Class III Milk, p. 2114
- 8.86.301 Wholesale Prices for Class I, II and III Milk, p. 641, 2181
- 8.86.301 Elimination of Minimum Wholesale and Retail Prices - Producer Price Formulas, p. 2192, 2691
- 32.8.103 Circumstances Under Which Raw Milk May be Sold for Human Consumption, p. 2222, 769



MILITARY AFFAIRS, Department of, Title 34

- 34.3.101 and other rules - Emergency and Disaster Relief Policy, p. 1482

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- I Reject, Modify, or Condition Permit Applications in the Houle Creek Basin, p. 1952
- I Reject, Modify, or Condition Permit Applications in the Sixmile Creek Basin, p. 1893, 2693
- I-VII Resolution of Disputes over the Administration of the Yellowstone River Compact, p. 1078, 1866
- 26.2.101 Department of State Lands Model Procedural Rule, p. 1777, 274
- 26.2.201 and others rules - Leasing or Other Use of State Lands - Sale of State Lands - Schedule of Fees - Homesite and Farmyard Leases - Antiquities on State Lands - Ownership Records for Non School Trust Land, p. 225, 771
- 26.2.628 and other rules - Repeal of Department of State Lands Rules - Implementing the Montana Environmental Policy Act, p. 2098, 275
- 26.6.402 and other rules - Christmas Tree Cutting - Control of Timber Slash and Debris - Fire Management and Forest Management, p. 2758, 59, 379
- 36.2.201 Board Model Procedural Rule, p. 1776, 276
- 36.2.401 and other rules - Minimum Standards and Guidelines for the Streambed and Land Preservation Act, p. 1946
- 36.2.608 Fees for Environmental Impact Statements, p. 1891, 2692
- 36.6.101 and other rules - Referendums for Creating or Changing Conservation District Boundaries - Conservation District Supervisor Elections, p. 2755, 772
- 36.12.102 and other rule - Forms - Application and Special Fees, p. 1954
- 36.12.1101 Establishing Procedures for Collecting Processing Fees for Late Claims, p. 2763, 563
- 36.19.101 and other rules - Reclamation and Development Grants Program, p. 228, 775
- 36.20.102 and other rules - Weather Modification, p. 381, 1159
- 36.24.101 and other rules - Wastewater Treatment Revolving Fund Act, p. 1778, 2423

(Board of Land Commissioners)

- I-X All Activities on Classified Forest Lands Within Montana during the Legal Forest Fire Season - Debris Disposal - Fire Prevention on Forest Lands, p. 877, 1502, 2183
- 26.2.301 and other rules - Rental and Royalty Charges on State Land - Surface Management - Sale of State Land - Oil and Gas Leases - Geothermal Resources -

- Uranium Leasing - Coal Leasing on State Land, p. 2753, 916
- 26.2.502 Rental Royalty and Other Charges on State Land - Transfer from Department of State Lands, p. 1157
- 36.2.803 Categorical Exclusions to Consultation with the State Historic Preservation Office, p. 1820
- 36.10.115 and other rules - Fire Management, p. 2760, 773
- 36.11.102 and other rules - Christmas Tree Cutting - Control of Timber Slash and Debris, p. 59, 379, 774, 1865

(Board of Land Commissioners and Department of Natural Resources and Conservation)

- 26.7.703 and other rules - Citizen Participation in Agency Decisions, p. 1262

(Board of Water Well Contractors)

- 36.21.410 and other rules - Water and Monitoring Well Licensing - Construction Standards, p. 2120

(Board of Oil and Gas Conservation)

- 36.22.305 and other rules - Naming of Pools - Illegal Production - Restoration of Surface - Regulations to Implement the Natural Gas Policy Act, p. 232, 1160
- 36.22.1401 and other rules - Underground Injection, p. 649, 1308

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- I Families Achieving Independence in Montana (FAIM), p. 1357, 2194
- I Release of Confidential Records for State Mental Health Facilities, p. 1264, 2187
- I Emergency Adoption - Families Achieving Independence in Montana (FAIM), p. 917
- I Conditions for Contracts Funded with Federal Maternal and Child Health Block Grant Funds, p. 525, 2184
- I-IV Medicaid Coverage and Reimbursement of Home Infusion Therapy Services, p. 2131
- I-V and other rules - Chemical Dependency Educational Courses, p. 391, 1312
- I-VI Criteria for Patient Placement at the Montana Chemical Dependency Center, p. 1958
- I-VII Medicaid Self-Directed Personal Care Services, p. 1656, 2823
- I-IX and other rules - Medicaid Coverage - Reimbursement of Physical Therapy, Speech Therapy, Occupational Therapy and Audiology Services, p. 1089, 1687
- I-XI and other rules - Medicaid Coverage - Reimbursement of Therapeutic Family Care, p. 1302, 2501, 159
- I-XIII Retirement Home Licensing Requirements, p. 734, 1867
- I-XVII Home Infusion Therapy, p. 883
- I-XXXV and other rules - AFDC, Food Stamps and Medicaid Assistance Under the FAIM Project, p. 2591, 284, 566

- I-XL and other rules - Traditional JOBS Program - FAIM JOBS Program - FAIM Employment and Training, p. 2619, 277, 564
- 11.7.103 and other rules - Children in Foster Care, p. 2462, 458
- 11.7.401 and other rules - Transfer to Department of Corrections - Juvenile Corrections, p. 1385
- 11.7.510 Goal for Reducing the Percentage of Children in Foster Care for Two or More Years, p. 2224, 2792, 1388
- 11.14.105 Licensure of Day Care Facilities, p. 656, 1311
- 11.14.605 Income Eligibility and Copayments for Day Care, p. 1824, 2302
- 11.16.128 and other rule - Licensure of Adult Foster Care Homes, p. 529, 921
- 11.22.101 and other rules - Purchased Services through Title XX Block Grants, p. 743, 1390
- 16.10.702A Reduction of the Required Height of Water Risers in Trailer Courts, p. 2384, 161
- 16.10.1501 and other rules - Swimming Pool Licensing Requirements, p. 2642, 1505
- 16.32.101 and other rules - Procedures, Criteria and Reporting of the Certificate of Need Program, p. 1267, 1975
- 16.32.399K Utilization Review in Medical Assistance Facilities, p. 234, 682
- 20.14.104 and other rules - Mental Health Nursing Care Centers, p. 658, 1391
- 46.6.405 and other rules - Vocational Rehabilitation Financial Needs Standards, p. 2779, 1320
- 46.8.109 and other rules - Developmental Disabilities, p. 1614, 2188
- 46.10.108 and other rules - AFDC Monthly Reporting - Budgeting Methods, p. 1898, 2499
- 46.10.403 AFDC Assistance Standards, p. 1290, 2192
- 46.11.112 and other rules - Food Stamp Budgeting Methods - Monthly Reporting Requirements, p. 1895, 2500
- 46.12.505 Medicaid Coverage - Reimbursement of Inpatient and Outpatient Hospital Services, p. 1102, 1682
- 46.12.505 and other rules - Medicaid Cost Report Filing Deadlines - Physician Attestation for Certain Providers, p. 2787, 459
- 46.12.506 and other rule - Medicaid Reimbursement for Outpatient Hospital Emergency, Clinic and Ambulatory Surgery Services, p. 237, 1539
- 46.12.590 and other rules - Medicaid Reimbursement for Residential Treatment Services, p. 243, 776
- 46.12.1222 and other rules - Nursing Facilities, p. 1081, 1698
- 46.12.1919 and other rule - Targeted Case Management for High Risk Pregnant Women, p. 532, 1566, 1997
- 46.12.1930 and other rules - Targeted Case Management for the Mentally Ill, p. 535, 1998
- 46.12.5002 and other rules - Passport to Health Program, p. 1484, 2193
- 46.13.302 and other rules - Low Income Energy Assistance Program (LIEAP), p. 2136

- 46.14.401 Low Income Weatherization Program, p. 731, 1713  
46.30.507 and other rules - Child Support Enforcement  
Distribution of Collections - Non-AFDC Services,  
p. 2765, 1714

PUBLIC SERVICE REGULATION, Department of, Title 38

- I Recovery of Abandonment Costs in Electric Utility  
Least-Cost Resource Planning and Acquisition,  
p. 1962  
I Content of Certain Motor Carrier Receipts, p. 896,  
1567  
38.3.1101 and other rules - Motor Carriers of Property,  
p. 663, 1568  
38.5.2202 and other rules - Pipeline Safety, Including Drug  
and Alcohol Testing, p. 1631, 2425

REVENUE, Department of, Title 42

- I and other rules - Real Property, p. 107, 1172  
I Itemized Deductions for Health Insurance, p. 2100,  
2848  
I-III Infrastructure User Fee Credit, p. 538, 1178  
I-XIII and other rules - Oil and Gas Rules for the Natural  
Resources Tax Bureau, p. 1107, 2001  
42.11.103 and other rules - Liquor Privatization Rules, p. 66,  
1161  
42.15.101 and other rules - Biennial Review of Chapter 15 -  
composite Returns, p. 2142  
42.15.101 and other rules - Biennial Review of Chapter 15 -  
Composite Returns, p. 78  
42.15.316 Extensions - Late Pay Penalty, p. 1927, 2507  
42.15.401 and other rules - Medical Savings Account, p. 61,  
1162  
42.15.416 and other rules - Recycling Credit, p. 2109, 2850  
42.15.506 Computation of Residential Property Tax Credit for  
Elderly, p. 1925, 2851  
42.17.101 and other rules - Withholding and Old Fund Liability  
Taxes, p. 97, 1169  
42.19.401 and other rules - Low Income Property Rules - Income  
and Property Tax Relief Rules, p. 87, 1171  
42.21.106 and other rules - Personal Property, p. 2653, 1174  
42.22.1311 and other rule - Industrial Property, p. 2230, 162  
42.22.1311 Industrial Machinery - Equipment Trend Factors,  
p. 1921, 2508  
42.23.111 and other rules - General and Special Provisions for  
Corporation License Tax, p. 68, 1177  
42.23.302 and other rule - Corporate Tax Returns - Deductions,  
p. 2226, 2852  
42.25.1810 Oil and Gas Rules - p. 2151  
42.31.101 and other rules - Cigarette and Tobacco, p. 2114,  
2853  
42.31.2101 and other rules - Contractor Gross Receipts,  
p. 2103, 2854

- 42.34.101 and other rules - Dangerous Drug Taxes, p. 2228, 2856
- 42.35.101 and other rules - Inheritance Tax Rules, p. 91, 1179
- 42.36.101 and other rules - Inheritance Taxes, p. 70, 1181

SECRETARY OF STATE, Title 44

- 1.2.419 Filing, Compiling, Printer Pickup and Publication of the Montana Administrative Register, p. 2239, 2694
- (Commissioner of Political Practices)
- I Overlapping Work Hours - Multiple Salaries from Multiple Public Employees, p. 125, 789
- I-III Designation of Contributions - Aggregate Contribution Limits for Write-in Candidates, p. 129, 784
- I-VIII Code of Ethics Complaint Procedures, p. 540, 922
- 44.10.331 and other rule - Contribution Limitations, p. 127, 787
- 44.10.411 Incidental Political Committee, Filing Schedule, Reports, p. 1126, 2153
- 44.12.109 Personal Financial Disclosure by Elected Officials, p. 1128, 2195

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

- I-V Medicaid Estate Recoveries and Liens, p. 1109, 2837
- I-XVI Health Maintenance Organizations, p. 895, 1974, 2155