RESERVE

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MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 7

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

TABLE OF CONTENTS

Page Number

NOTICE SECTION

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the proposed adoption of new rules I through XVI pertaining to Noxious Weed Seed Free Forage	)))))	NOTICE OF PUBLIC HEARING ON THE PROPOSED NEW RULES PREVENTING THE INTRODUCTION OF NOXIOUS WEED SEEDS FROM FORAGE IN THE STATE

TO: All interested persons:

1. On April 30, 1996 at 10:00 a.m., a public hearing will be held in Room 225 of the Agriculture/Livestock Building, 303 North Roberts, Helena, Montana, to consider the proposed adoption of rules I through XVI.

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

3. The proposed rules provide as follows:

RULE I PURPOSE AND SCOPE (1) The 1995 Montana Legislature, upon finding that the movement of agricultural crops containing noxious weed seeds, as livestock forage, bedding, mulch, pellets, cubes and related material was causing new and expanding noxious weed infestations, authorized and directed the Montana Department of Agriculture to implement the Noxious Weed Seed Free Forage Act and to adopt all necessary rules for the exercise of its power under that act.

AUTH: 80-7-909, MCA IMP: 80-7-902, MCA

RULE II DEFINITION OF TERMS These definitions apply to all rules adopted under the Montana Noxious Weed Seed Free Forage Act, Title 80, chapter 7, part 9, MCA.

(1) "Agent" means a person who is authorized or employed by the department and is certified by the department to conduct activities under the Montana Noxious Weed Seed Free Forage Act.

(2) "Board" means a district weed board created under 7-22-2103, MCA.

(3) "Montana certified forage" means forage products from fields that meet Montana's forage certification standards and are approved by an agent; or processed pellets, cubes and other forage products that meet the requirements of Rule VI (2) through (6).

(4) "Cubes and other processed forage products (Physical form)" means forage harvested from a certified field that is compacted into large pellets.

(5) "Pellets and other processed forage products (Physical form)" means agglomerated feed formed by compacting and forcing through die openings by a mechanical process. If temperature is not used in the process, the forage must be from a certified field.

(6) "Field unit" means the part of a field that may be certified or which has been certified.

AUTH: 80-7-909, MCA IMP: 80-7-903, MCA

RULE III NOXIOUS WEEDS (1) The Montana Noxious Weed Seed Free Forage (NWSFF) certification program includes the noxious weeds set forth in ARM 4.5.202, 4.5.203 and 4.5.204 authorized by 7-22-2101(7)(a)(i), MCA.

(2) The Regional forage certification program includes additional noxious weeds that have been so designated by other states and provinces. The department may enter into agreements with other states and/or provinces which will allow forage to be certified on a regional basis.

AUTH: 80-7-909, MCA IMP: 80-7-903 and 80-7-905, MCA

RULE IV APPLICATION FOR MONTANA CERTIFICATION OF NOXIOUS WEED SEED FREE FORAGE (1) A person shall make application for NWSFF certification of a forage crop annually. The application shall be made with the department agent in the county in which the person resides. This request for application may be made by telephone, fax, in person or in writing.

(2) The agent is responsible for completing the top of the inspection form with the following applicant information:

(a) date annual application received;

(b) producer name and address, including zip code;

(c) producer telephone and, if available, their fax number;

(d) producer identification number;

(i) the producer identification number shall include the following, in the order stated, state, county, producer number and year forage harvested;

(e) estimate of acres to be inspected;

(f) general description of the field and/or legal description.

(3) An application fee is not required.

AUTH: 80-7-909, MCA; IMP: 80-7-905 AND 80-7-906, MCA

RULE V STANDARD RANGE OF TOLERANCES FOR NOXIOUS WEED SEEDS (1) The tolerance for noxious weed seeds in noxious weed seed free forage is zero for the weeds defined in 7-22-2101(7)(a)(i), MCA.

(a) For field forage this means that an agent found no noxious weed plants with viable weed seeds present in the field unit at the time of inspection; or that an agent found no noxious weed plants capable of producing viable weed seeds present in the field unit at the time of inspection when following the standard inspection procedures.

(b) For pellets this means that the pellets are free of viable noxious weed seeds or the pellets are greater than 99 per cent free of viable noxious weed seeds.

(c) For cubes and related materials this means that the field forage used to produce the cubes or related materials meet the standards expressed in (1)(a) above.

(2) For purposes of these rules, the department's certification represents the condition of the field forage at the time of certification. Further cautionary restrictions with respect to pelleting, cubing or related processes, storage

and transportation are imposed in these rules to help preserve that certification. However, the rules do not intend or provide for any further visual or other inspection of the certified forage after the point of initial certification, other than that which may occur as a result of enforcement or other related activity.

AUTH: 80-7-909, MCA IMP: 80-7-903 and 80-7-905, MCA

RULE VI PROCEDURES FOR MONTANA CERTIFICATION OF FORAGE PRODUCTS (PELLETS - CUBES - OTHER) (1) A person desiring to certify processed feed products as noxious weed seed free must make an annual application on the department's application form. The application shall be valid from the date of issuance through December 31 of that calendar year.

(2) Persons desiring to certify processed pellets must meet the following criteria:

(a) Equipment is cleaned of any noxious weed seeds prior to processing forage for certification. A mimimum of 500 pounds of certified forage must be purged through the system including the pelleter. The 500 pounds of forage used to eliminate any noxious weed seeds will not be certified. Cleaning the system from the pelleter through to the bagging operation or bulk bins is required to prevent contamination of pellets for certification.

(b) The forage must be pelleted following the standard pelleting process.

(c) All screens must be maintained in a good operating condition.

(d) The pellets must be reground with a number six (6/64 inch) screen or smaller.

(e) The forage material from (2)(b) must be repelleted using steam and temperature in the process. The temperature of the pellets extruded from the die shall be greater than 140° F.

(3) Equivalent pelleting procedures: Any person may apply for department approval of an alternative procedure for pelleting certified forage. The application shall include:

(a) A complete narrative description of the procedure.

(b) Independent laboratory study that demonstrates that the process is as effective as the process in this rule.

(c) Documentation that the laboratory methods used are scientifically acceptable and results are statistically valid.

(d) The department may deny or grant approval of the request based upon the information received from the applicant and from data and information from other sources. The department may also withdraw its approval should investigations or future studies reveal the procedure is not equivalent to accepted procedures.

(4) A person desiring to certify cubes or other forage products must ensure that:

(a) All constituents be processed from certified forage meeting Montana certification standards.

(b) Equipment is cleaned of any noxious weed seeds prior to processing forage for certification. A minimum of 500 pounds of certified forage must be purged and cleaned through

the entire system (from cubing to bagging or bulk storage) prior to processing cubes or other forage products. The 500 pounds of forage used to eliminate any noxious weed seeds will not be certified.

(5) Cubes and pellets shipped into the state must meet all of Montana's NWSFF certification requirements.

(6) Any person may request Montana certification of their pellets, cubes or other forage produced out-of-state from the department. The department may enter into agreements with other state departments of agriculture or appropriate state agencies or provincial governments to verify that the pellets, cubes or other forage meet Montana NWSFF certification standards. The agreements may specify the types of identification markers and/or transportation certificates that are acceptable.

AUTH: 80-7-909, MCA IMP: 80-7-905 and 80-7-906, MCA

RULE VII FORAGE INSPECTION PROCEDURES (1) The following procedures and processes will be required for field unit NWSFF certification:

(a) When a portion of a field is to be certified, this portion must be plainly marked or separated by a mowed strip or flagged at least 12 feet wide, to avoid cutting and mixing the certified and uncertified portion at harvest.

(b) Field units must include surrounding ditches, fence rows, roads, easements, rights-of-way and buffer zones of a minimum of 12 feet surrounding the outside edges of a field.

(2) Areas such as stack yards, storage sheds and/or bins, shall be inspected at the same time as the field and/or fields prior to stacking or filling them with certified forage. These areas shall be free of noxious weeds and/or noxious weed seeds. Contaminated storage areas will not be approved for storage of certified forage or the certification shall be cancelled if the area is contaminated with noxious weeds and/or noxious weed seeds.

(3) Harvested lots of certified forage from inspected fields may be tested or inspected at any time during normal business hours by an agent or the department. Evidence that any lot of certified forage has not been protected from contamination or is not properly identified or separated will be cause for certification cancellation.

(4) The producer is responsible for notifying the agent at least seven days in advance of harvest to allow inspections to be completed.

(5) Field inspection must be made within seven days prior to harvest.

(a) For fields to be certified for straw only, notification and field inspections may be made up to two weeks before harvest.

(6) Fields that have been cut or harvested prior to inspection are ineligible for certification.

(7) Forms shall be completed by the agent at the time of inspection of each field unit. At the conclusion of the

inspection the producer will be provided an invoice for the inspection fees and, if applicable, markers.

(8) Baling equipment must be cleaned of any noxious weed seeds prior to harvesting certified forage. If this is not possible the first three bales produced shall be considered non-certified and will not be included as a part of a field unit's certified forage.

(9) Fields that appear weedy or show poor crop practices, even though noxious weeds are not present, should not be certified under the certification standards. The local agent will document the problems and has the discretion to make this judgement. A producer can challenge this decision and petition the department to assign another agent to reinspect the field. A second inspection fee will be assessed for this service.

AUTH: 80-7-909, MCA IMP: 80-7-905 and 80-7-906, MCA

RULE VIII FORAGE IDENTIFICATION AND TRANSPORTATION

(1) Identification of forage field grown or harvested includes the following:

(a) The producer identification number.

(b) Bales sold in one ton lots or less must be identified individually using a department approved identification marker.

(c) Forage sold in bulk must be visibly identified with a department approved identification marker.

(2) Forage identification markers and transportation certificates approved by the department will be sold and distributed, respectively, by the department or its agents. The fee assessed for identification markers shall be commensurate with the actual costs of the markers.

(3) Forage transportation certificates must be in the possession of the vehicle operator or driver and must contain the following:

(a) A statement that this forage meets the criteria set by the Montana Noxious Weed Seed Free Forage Act;

(b) name and address of the producer;

(c) producer identification number;

(d) name and address of buyer;

(e) type of forage;

(f) identification marker (tags, colored baler twine, etc.);

(g) number of bales by type or tonnage;

(h) date of sale;

(i) seller's signature;

(j) vehicle operator or driver's signature; this must be signed upon receipt of forage.

(4) Identification of forage that has been pelleted, cubed or other related products shall include the following:

(a) Certified pellets, cubes or other forage byproducts must have a label attached (either sewn, printed or a separate label) showing proof of certification of the contents with the following statement: "This product has been certified by the Montana Department of Agriculture as Montana Noxious Weed Seed Free."

(b) For out-of-state pelleted products the label on the product must have the following statement: "This product has been certified by (state, agency, province) to be in compliance with Montana's standards for Noxious Weed Seed Free Forage."

(c) Identification labels for pellets, cubes or other forage products must be submitted to the department for approval.

(5) It is the responsibility of each producer to make sure that all certified NWSFF sold under the program is properly labeled and identified with transportation certificates before it leaves the premises.

AUTH: 80-7-909, MCA IMP: 80-7-905 AND 80-7-906, MCA

RULE IX CERTIFICATION OF AGENTS (1) Each person desiring to be an agent must be trained and certified according to department standards.

(2) The following are minimum requirements for initial certification:

(a) Field inspection techniques and procedures;

(b) map reading;

(c) knowledge of weed management, including:

(i) burning;

(ii) mowing, cutting or rogueing;

(iii) mechanical methods;

(iv) chemicals;

(d) Forms used;

(e) State and regional certification standards and guidelines;

(f) State and regional noxious and poisonous weed identification and training;

(g) Certify with a written examination score of 80 per cent or better.

(3) The department will require agents to qualify annually by taking a written quiz and passing with a 90 per cent during the years recertification training is not offered.

(4) The following are minimum requirements for recertification training beginning in 1996 and every fourth year thereafter:

(a) Inspection procedure review;

(b) management methods;

(c) forms review;

(d) review of state and regional certification standards and guidelines;

(e) state and regional designated noxious weed review;

(f) recertify with a written examination score of 80 per cent or better.

(5) If an agent intentionally falsifies the certificate of an inspection, that agent will lose certification status.

AUTH: 80-7-909, MCA IMP: 80-7-905, MCA

RULE X STOP SALE, USE OR REMOVAL ORDER (1) When the department has reasonable cause to believe any lot of certified NWSFF is in violation of this chapter or a rule adopted by the

department, it may issue and enforce a written order requiring the person holding the forage not to sell, use or remove it in any manner until written permission is given by the department. The department shall release the order when the provisions of the Act and rules have been met. If compliance is not obtained within 30 days, the department may begin proceedings for condemnation. The disposition of the forage may not be ordered by the department without first giving the owner or person from whom the forage was seized an opportunity to apply to the department for release of the forage or for permission to process or bring it into compliance with this chapter, and an opportunity to contest any such order under the provisions of 80-7-910 (2), MCA.

AUTH: 80-7-909, MCA IMP: 80-7-911, MCA

RULE XI NOTIFICATION REQUIREMENTS - COUNTY EMBARGO (1) The board or their authorized representative shall, as required by 7-22-2126(4), MCA, notify the department of all embargoes issued and the final resolution within 48 hours of any embargo imposed. The notification to the department on issuance of a county embargo shall include the following items:

(a) Date and time of the embargo;

(b) parties involved including name, address and telephone number;

(c) any reference used by persons portraying forage as meeting requirements of the act;

(d) the location of the embargoed forage;

(e) volume and description of forage;

(f) the type of violation; and

(g) a copy of the embargo.

(h) The notification may be accomplished by a telephone call, followed up in writing.

(2) The notification to the department on final resolution shall include:

(a) Date of resolution;

(b) identification of the embargo issued;

(c) a description of the final resolution including any special time schedules and/or requirements.

(d) The notification may be accomplished by a telephone call, followed up in writing.

AUTH: 80-7-909, MCA IMP: 80-7-909, MCA

RULE XII COLLECTION OF FEES (1) The procedures to be followed by an agent employed by a governmental agency include:

(a) Collection of fees and deposition of fees in an appropriate government account;

(b) A record of the name of the government agent collecting the fees;

(c) a record of total fees collected;

(d) a record of names of each producer and documentation of the fee paid;

(e) a record of the amounts submitted to the department;

(f) a record of the amount retained by the agent's governmental agency; and

(g) all records be kept in accordance with generally accepted accounting principles.

(h) The agent shall submit at the conclusion of the season complete information on the collection, deposit and disbursement of fees as set forth above including the name of the government account where the fees were deposited.

(2) The procedures to be followed by a non-government agent include:

(a) Deposition of all fees in a department approved account in a local financial institution; or submission of all fees directly to the department. The method of deposit will be determined by the department on a case by case basis;

(b) Submission of records to the department at the time of deposit or submission of fees;

(i) a record of the name of the non-government agent collecting the fees;

(ii) a record of total fees collected;

(iii) a list of producers and the fees paid;

(c) That all records be kept in accordance with generally accepted accounting principles; and

(d) the department will issue the non-government agent payment for services rendered.

AUTH: 80-7-909, MCA IMP: 80-7-905 and 80-7-908, MCA

RULE XIII FEES

(1) An inspection fee of $1.50 per acre or a $15 minimum charge per field for forage inspection will be charged to the person for whom the forage was inspected. State mileage and per diem rates may also be assessed by the agents.

(2) Fees charged are payable to the agent:

(a) at the time of inspection; or

(b) within 90 days of the first cutting; or

(c) by special arrangement made for payment through a written agreement with the agent.

(3) The government agent must submit 25 cents per acre or $2.50 for ten acres or less to the department and report on a financial form provided by the department. The funds and form must be submitted by September 15 of each year to ensure that the persons producing certified forage will be included on the NWSFF producer list.

(4) If the fee is not paid or a person improperly pays any fee or assessment under the provisions of 80-7-921, MCA, the department or its agent will not provide further services.

(5) Manufacturers of certified processed pellets using non-certified forage in the process will be assessed a minimum fee of 75 cents per ton payable on or before January 30 for the previous year's production. The manufacturer shall document the tons of pellets processed and submit the document with the appropriate fee.

(6) A record of the pellets produced from non-certified forage shall be retained for two years.

AUTH: 80-7-909, MCA IMP: 80-7-905 and 80-7-908, MCA

RULE XIV CONTRACTS (1) The department may enter into contracts with organizations to conduct specific forage certification activities. These contracts may identify issues, such as time of collection of fees and deposition of fees, that are unique to that organization. The standard fees for inspections are set forth in Rule XIII.

AUTH: 80-7-909, MCA IMP: 80-7-905, MCA

RULE XV IDENTIFICATION OF PRODUCT AND PACKAGE TYPES

(1) The following identification information will be used by agents when completing reporting forms:

(a) State and provincial abbreviations recognized by the United States Postal Service.

(b)	Product forage types	Abbreviation
(i)	Alfalfa	A
(ii)	Alfalfa/grass	AG
(iii)	Grass	G
(iv)	Straw	S
(v)	Grain/barley	GRB
(vi)	Grain/oats	GRO
(c)	Package type	Abbreviation
(i)	Small rectangular bales	SB
(ii)	Large rectangular bales	LB
(iii)	Large round bales	LR
(iv)	Small round bales	SR
(v)	Cubes	CB
(vi)	Pellets	PE
(vii)	Loose forage	LF
(viii)	Silage	SG
(d)	Other forage	OF
(i)	agents must describe other forage.	

AUTH: 80-7-909, MCA IMP: 80-7-905, MCA

RULE XVI CIVIL PENALTIES (1) Whenever the department has reason to believe that a violation of Title 80, chapter 7, part 9, MCA, or any adopted rule thereunder has occurred, it may initiate a civil penalty action pursuant to the Montana Administrative Procedure Act.

(2) Each violation shall be considered a separate offense and is subject to a separate penalty not to exceed $1,000. A repeat violation shall be considered a first violation if it occurred three or more years after the previous violation.

(3) The penalty matrix set forth in this rule establishes the basic penalty value for each offense. Factors dealing with the violation may cause the matrix penalty to increase or decrease. Examples of such factors would be the person's history of compliance or non-compliance or the extent of the person's actions to sell forage or designate or imply forage as being certified when it does not meet state certification requirements.

(4) Penalty Matrix:

Type of violation	1ST Offense	2ND Offense	3RD Offense
(a) Violate any lawful order, stop sale, use or removal order; or condemnation action;	$250	$500	$1,000
(b) To certify or sell or advertise as certified, as Noxious Weed Seed Free any forage as free from noxious weed seed within the state, unless forage is identified under a department approved process of certification;	$250	$500	$1,000
(c) To transport into, offer for sale, sell or use forage as noxious weed seed free, from another state, province, or country, unless the forage meets state certification standards or is allowed by an agreement between the department and another government agency;	$250	$500	$1,000
(d) For a public utility or a local, county, state or federal agency to use forage products that have not been certified which may include but are not limited to: mulches, bedding materials and erosion control barriers;	$250	$500	$1,000
(e) For public utilities, local, county, state or federal agencies to use seed for reclamation purposes that is not free of noxious weed seeds and certified according to Title 80, chapter 5;	$250	$500	$1,000
(f) To improperly pay any application or certification fee or refuse to pay any inspection fees;	$250	$500	$1,000
(g) For an agent to falsify a certificate of inspection;	$250	$500	$1,000
(h) For an agent to improperly deposit, collect or use any	$250	$500	$1,000

certificate or inspection fees or fail to document and submit any required records to the department;			
(i) To transport certified forage without a transportation certificate;	$250	$500	$1,000
(j) To falsify or alter a transportation certificate;	$250	$500	$1,000
(k) For an agent to violate any provisions of a contract with the department.	$250	$500	$1,000

AUTH: 80-7-909, MCA IMP: 80-7-922, MCA

4. Adoption of these new rules is necessary because the 1995 legislature passed the Noxious Weed Seed Free Forage Act. These proposed rules implement and establish the specific standards and procedures authorized by this statute. The rules specify how producers make application for certification of their field forage, the procedures for inspection of their fields prior to certification and the fees assessed for conducting the inspection. The rules specify how feed manufacturers make application for certification of any pellets, cubes or related feed materials, the procedures required to produce certified noxious weed seed free pellets, cubes, or related feed materials, and the fee for production of uncertified forage converted into certified pellets. The rules also specify the qualifications agents or employees must meet in order to conduct field forage and feed manufacturing plant inspections in order to approve certification of forage. The rules also establish procedures for identification of forage, pellets, cubes and other related materials and the requirement for transportation certificates.

These rules are necessary to ensure that the inspection and certification procedures for forage are delineated adequately for people desiring to certify their forage to understand and follow a uniform system for growing and managing their forage. These rules are also necessary to ensure people processing forage into pellets, cubes and related materials have specific uniform standards set forth that can be followed to certify their products as noxious weed seed free. The rules also establish standards for inspection of forages that are uniformly applied throughout the state.

The NWSFF Act authorizes the department to establish by rule certification standards. These rules propose a standard that will certify forage and other materials as free of noxious weed seeds, based on an inspection that did not find any noxious weed seeds, or for pellets, cubes and related materials that the required process will result in a product that is free of noxious weed seeds. While not a guarantee, the

certification will establish that a scientifically sound and reasonable inspection or approved plant process was used.

The fees established in these rules are based upon the advice of the advisory council as stipulated in 80-7-907, MCA.

The rule on administrative civil penalties is based upon legislative authorization to assess penalties up to $1,000 per violation and to adopt a penalty rule. This rule establishes the types of violations subject to a civil penalty and a matrix of monetary penalty levels for the first and subsequent violations. The rule also sets forth factors the department will consider when proposing a civil penalty. Any civil penalties proposed by the department will be subject to the provisions of the Montana Administrative Procedure Act, including a person's right to a hearing and appeal.

The rules were developed and reviewed by the members of the Noxious Weed Seed Free Forage Advisory Council. The council represents varying interests and has expertise in forage production, feed manufacturing, weed control and protection of recreational lands.

5. Interested persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Gary Gingery, Administrator, Department of Agriculture, Agricultural Sciences Division, P.O. Box 200201, Helena, MT 59620-0201, or a written FAX (406)444-5409; Internet: AGR@MT.GOV; State Bulletin Board System (SBBS) (406) 800-962-1279, or a local SBBS Helena number 444-5648, and must be received no later than May 3, 1996.

6. Timothy J. Meloy, Department attorney, has been designated to preside over and conduct the hearing.

DEPARTMENT OF AGRICULTURE

W. Ralph Peck
Director

Timothy J. Meloy, Attorney
Rule Reviewer

Certified to the Secretary of State this 25th day of March 1996

BEFORE THE STATE AUDITOR AND COMMISSIONER OF INSURANCE OF THE STATE OF MONTANA

In the matter of the adoption of new rules I through X pertaining to actuarial opinion.	))))	NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION

TO: All Interested Persons.

1. On April 24, 1996 at 9:30 a.m. a public hearing will be held in the conference room of the State Auditor's Office, Room 270, Mitchell Building, 126 North Sanders, Helena, Montana, to consider the adoption of new rules I through X.

2. The proposed new rules provide as follows:

RULE I PURPOSE (1) The purpose of these rules is to prescribe:

(a) Guidelines and standards for statements of actuarial opinion which are to be submitted in accordance with 33-2-521(4),(5) and 33-7-118 (2), MCA, and for memoranda in support thereof;

(b) Guidelines and standards for statements of actuarial opinion which are to be submitted when a company is exempt from 33-2-521 (4)(b), MCA; and

(c) Rules applicable to the appointment of an appointed actuary.

AUTH: 33-2-521, MCA IMP: 33-2-521 through 33-2-537, MCA

RULE II AUTHORITY (1) These rules are issued pursuant to the authority vested in the commissioner of insurance of the State of Montana under 33-2-521, MCA. These rules will take effect for annual statements for the year 1996.

AUTH: 33-2-521, MCA IMP: 33-2-521 through 33-2-537, MCA

RULE III SCOPE (1) These rules shall apply to all life insurance companies and fraternal benefit societies doing business in this state and to all life insurance companies and fraternal benefit societies which are authorized to reinsure life insurance, annuities or disability insurance business in this State.

(2) These rules shall be applicable to all annual statements filed with the office of the commissioner after the effective date of these rules. Except with respect to companies which are exempted pursuant to Rule VI, a statement of opinion on the adequacy of the reserves and related actuarial items based on an asset adequacy analysis in accordance with Rule VIII, and a memorandum in support thereof in accordance with Rule IX, shall be required each year. Any company so exempted must file a statement of actuarial opinion pursuant to Rule VII.

(3) Notwithstanding the foregoing, the commissioner may require any company otherwise exempt pursuant to these rules

to submit a statement of actuarial opinion and to prepare a memorandum in support thereof in accordance with Rules VIII and IX if, in the opinion of the commissioner, an asset adequacy analysis is necessary with respect to the company.
AUTH: 33-2-521, MCA IMP: 33-2-521 through 33-2-537, MCA

RULE IV DEFINITIONS (1) "Actuarial opinion" means:

(a) With respect to Rules VIII, IX or X, the opinion of an appointed actuary regarding the adequacy of the reserves and related actuarial items based on an asset adequacy test in accordance with Rule VIII and with presently accepted actuarial standards;

(b) With respect to Rule VII, the opinion of an appointed actuary regarding the calculation of reserves and related items, in accordance with Rule VII and with those presently accepted actuarial standards which specifically relate to this opinion.

(2) "Actuarial standards board" is the board established by the american academy of actuaries to develop and promulgate standards of actuarial practice.

(3) "Annual statement" means that statement required by 33-2-701 and 33-7-118, MCA of the Insurance Law to be filed by the company with the office of the commissioner annually.

(4) "Appointed actuary" means any individual who is appointed or retained in accordance with the requirements set forth in Rule V, Subsection (3) to provide the actuarial opinion and supporting memorandum as required by 33-2-521(4),(5) and 33-7-118 (2), MCA.

(5) "Asset adequacy analysis" means an analysis that meets the standards and other requirements referred to in Rule V, Subsection (4). It may take many forms, including, but not limited to, cash flow testing, sensitivity testing or applications of risk theory.

(6) "Commissioner" means the insurance commissioner of this state.

(7) "Company" means a life insurance company, fraternal benefit society or reinsurer subject to the provisions of this rule.

(8) "Non-investment grade bonds" are those designated as classes 3, 4, 5 or 6 by the national association of insurance commissioners (NAIC) securities valuation office.

(9) "Qualified actuary" means any individual who meets the requirements set forth in Rule V, Subsection (2).
AUTH: 33-2-521, MCA IMP: 33-2-521 through 33-2-537, MCA

RULE V GENERAL REQUIREMENTS (1) As to the submission of Statement of Actuarial Opinion, the following requirements apply:

(a) There is to be included on or attached to Page 1 of the annual statement for each year beginning with the year in which this regulation becomes effective the statement of an appointed actuary, entitled "Statement of Actuarial Opinion," setting forth an opinion relating to reserves and related actuarial items held in support of policies and contracts, in

accordance with Rule VIII; provided, however, that any company exempted pursuant to Rule VI from submitting a statement of actuarial opinion in accordance with Rule VIII shall include on or attach to Page 1 of the annual statement a statement of actuarial opinion rendered by an appointed actuary in accordance with Rule VII.

(b) If in the previous year a company provided a statement of actuarial opinion in accordance with Rule VII, and in the current year fails the exemption criteria of Rule VI, Subsections (3)(a), (3)(b) or (3)(e) to again provide an actuarial opinion in accordance with Rule VII, the statement of actuarial opinion in accordance with Rule VIII shall not be required until August 1 following the date of the annual statement. In this instance, the company shall provide a statement of actuarial opinion in accordance with Rule VII with appropriate qualification noting the intent to subsequently provide a statement of actuarial opinion in accordance with Rule VIII.

(c) In the case of a statement of actuarial opinion required to be submitted by a foreign or alien company, the commissioner may accept the statement of actuarial opinion filed by such company with the insurance supervisory regulator of another state if the commissioner determines that the opinion reasonably meets the requirements applicable to a company domiciled in this state.

(d) Upon written request by the company, the commissioner may grant an extension of the date for submission of the statement of actuarial opinion.

(2) A "qualified actuary" is an individual who:

(a) Is a member in good standing of the american academy of actuaries; and

(b) Is qualified to sign statements of actuarial opinion for life and health insurance company annual statements in accordance with the american academy of actuaries qualification standards for actuaries signing such statements; and

(c) Is familiar with the valuation requirements applicable to life and disability insurance companies; and

(d) Has not been found by the commissioner (or if so found has subsequently been reinstated as a qualified actuary), following appropriate notice and hearing to have:

(i) Violated any provision of, or any obligation imposed by, the insurance law or other law in the course of his or her dealings as a qualified actuary; or

(ii) Been found guilty of fraudulent or dishonest practices; or

(iii) Demonstrated his or her incompetency, lack of cooperation, or untrustworthiness to act as a qualified actuary; or

(iv) Submitted to the commissioner during the past five (5) years, pursuant to these rules, an actuarial opinion or memorandum that the commissioner rejected because it did not

meet the provisions of these rules including standards set by the actuarial standards board; or

(v) Resigned or been removed as an actuary within the past five (5) years as a result of acts or omissions indicated in any adverse report on examination or as a result of failure to adhere to generally acceptable actuarial standards; and

(e) Has not failed to notify the commissioner of any action taken by any commissioner of any other state similar to that under Rule V, Subsection (2)(d).

(3) An "appointed actuary" is a qualified actuary who is appointed or retained to prepare the statement of actuarial opinion required by these rules, either directly by or by the authority of the board of directors through an executive officer of the company. The company shall give the commissioner timely written notice of the name, title (and, in the case of a consulting actuary, the name of the firm) and manner of appointment or retention of each person appointed or retained by the company as an appointed actuary and shall state in such notice that the person meets the requirements set forth in Rule V, Subsection (2). Once notice is furnished, no further notice is required with respect to this person, provided that the company shall give the commissioner timely written notice in the event the actuary ceases to be appointed or retained as an appointed actuary or to meet the requirements set forth in Rule V, Subsection (2). If any person appointed or retained as an appointed actuary replaces a previously appointed actuary, the notice shall so state and give the reasons for replacement.

(4) The asset adequacy analysis required by these rules:

(a) Shall conform to the Standards of Practice as promulgated from time to time by the actuarial standards board and on any additional standards under these rules, which standards are to form the basis of the statement of actuarial opinion in accordance with Rule VIII; and

(b) Shall be based on methods of analysis as are deemed appropriate for such purposes by the actuarial standards board.

(5) Liabilities to be covered by the actuarial opinion are as follows:

(a) Under authority of 33-2-521 (4), (5) and 33-7-118 (2), MCA, the statement of actuarial opinion shall apply to all in force business on the statement date regardless of when or where issued, e.g., reserves of Exhibits 8, 9 and 10, and claim liabilities in Exhibit 11, Part I and equivalent items in the separate account statement or statements.

(b) If the appointed actuary determines as the result of asset adequacy analysis that a reserve should be held in addition to the aggregate reserve held by the company and calculated in accordance with methods set forth in 33-2-525, 33-2-526 and 33-2-537, MCA, the company shall establish such additional reserve.

(c) For years ending prior to December 31, 1997, the company may, in lieu of establishing the full amount of the additional reserve in the annual statement for that year, set up an additional reserve in an amount not less than the following:

(i) December 31, 1995 The additional reserve divided by three.

(ii) December 31, 1996 Two times the additional reserve divided by three.

(d) Additional reserves established under Subsections (5)(a) or (b) above and deemed not necessary in subsequent years may be released. Any amounts released must be disclosed in the actuarial opinion for the applicable year. The release of such reserves would not be deemed an adoption of a lower standard of valuation.

AUTH: 33-2-521, MCA IMP: 33-2-521 through 33-2-537, MCA

RULE VI REQUIRED OPINIONS (1) In accordance with 33-2-521 (4), (5), MCA, every company doing business in this state shall annually submit the opinion of an appointed actuary as provided for by these rules. The type of opinion submitted shall be determined by the provisions set forth in this Rule VI and shall be in accordance with the applicable provisions in these rules.

(2) For purposes of these rules, companies shall be classified as follows based on the admitted assets as of the end of the calendar year for which the actuarial opinion is applicable:

(a) Category A shall consist of those companies whose admitted assets do not exceed $20 million;

(b) Category B shall consist of those companies whose admitted assets exceed $20 million but do not exceed $100 million;

(c) Category C shall consist of those companies whose admitted assets exceed $100 million but do not exceed $500 million; and

(d) Category D shall consist of those companies whose admitted assets exceed $500 million.

(3) Exemption eligibility tests follow:

(a) Any Category A company that, for any year beginning with the year in which these rules become effective, meets all of the following criteria shall be eligible for exemption from submission of a statement of actuarial opinion in accordance with Rule VIII for the year in which these criteria are met. The ratios in (3)(a)(i), (ii) and (iii) below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.

(i) The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .10.

(ii) The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .30.

(iii) The ratio of the book value of the non-investment grade bonds to the sum of capital and surplus is less than .50.

(iv) The examiner team for the national association of insurance commissioners (NAIC) has not designated the company as a first priority company in any of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the commissioner of the state of domicile and the commissioner has so notified the chair of the NAIC Life and Health Actuarial Task Force and the NAIC Staff and Support Office.

(b) Any Category B company that, for any year beginning with the year in which these rules become effective, meets all of the following criteria shall be eligible for exemption from submission of a statement of actuarial opinion in accordance with Rule VIII for the year in which the criteria are met. The ratios in (3)(b)(i), (ii) and(iii) below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.

(i) The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .07.

(ii) The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .40.

(iii) The ratio of the book value of the non-investment grade bonds to the sum of capital and surplus is less than .50.

(iv) The examiner team for the national association of insurance commissioners (NAIC) has not designated the company as a first priority company in any of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the commissioner of the state of domicile and the commissioner has so notified the chair of the NAIC life and health actuarial task force and the NAIC staff and support office.

(c) Any Category A or Category B company that meets all of the criteria set forth in Subsection (3)(a) or (b), whichever is applicable, is exempted from submission of a statement of actuarial opinion in accordance with Rule VIII unless the commissioner specifically indicates to the company that the exemption is not to be taken.

(d) Any Category A or Category B company that, for any year beginning with the year in which these rules become effective, is not exempted under Subsection (3)(c) shall be

required to submit a statement of actuarial opinion in accordance with Rule VIII for the year for which it is not exempt.

(e) Any Category C company that, after submitting an opinion in accordance with Rule VIII, meets all of the following criteria shall not be required, unless required in accordance with Subsection (3)(f) below, to submit a statement of actuarial opinion in accordance with Rule VIII more frequently than every third year. Any Category C company which fails to meet all of the following criteria for any year shall submit a statement of actuarial opinion in accordance with Rule VIII for that year. The ratios in (3)(e)(i), (ii) and (iii) below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.

(i) The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .05.

(ii) The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .50.

(iii) The ratio of the book value of the non-investment grade bonds to the sum of the capital and surplus is less than .50.

(iv) The examiner team for the national association of insurance commissioners (NAIC) has not designated the company as a first priority company in any of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the commissioner of the state of domicile and the commissioner has so notified the chair of the NAIC life and health actuarial task force and the NAIC staff and support office.

(f) Any company which is not required by Rule VI to submit a statement of actuarial opinion in accordance with Rule VIII for any year shall submit a statement of actuarial opinion in accordance with Rule VII for that year unless as provided for by Subsection (2) of Rule III the commissioner requires a statement of actuarial opinion in accordance with Rule VIII.

(4) Every Category D company shall submit a statement of actuarial opinion in accordance with Rule VIII for each year beginning with the year in which this regulation becomes effective.

AUTH: 33-2-521, MCA IMP: 33-2-521 through 33-2-537, MCA

RULE VII STATEMENT OF ACTUARIAL OPINION NOT INCLUDING AN ASSET ADEQUACY ANALYSIS (1) The statement of actuarial opinion required by this rule shall consist of a paragraph identifying the appointed actuary and his or her qualifications; a regulatory authority paragraph stating that the company is exempt pursuant to this regulation from

submitting a statement of actuarial opinion based on an asset adequacy analysis and that the opinion, which is not based on an asset adequacy analysis, is rendered in accordance with Rule VII; a scope paragraph identifying the subjects on which the opinion is to be expressed and describing the scope of the appointed actuary's work; and an opinion paragraph expressing the appointed actuary's opinion as required by 33-2-521 (4) and (5), MCA.

(2) The following language provided is that which in typical circumstances would be included in a statement of actuarial opinion in accordance with this rule. The language may be modified as needed to meet the circumstances of a particular case, but the appointed actuary should use language which clearly expresses his or her professional judgment. However, in any event the opinion shall retain all pertinent aspects of the language provided in Rule VII.

(a) The opening paragraph should indicate the appointed actuary's relationship to the company. (i) For a company actuary, the opening paragraph of the actuarial opinion should read as follows:

"I, [name of actuary], am [title] of [name of company] and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the Board of Directors of said insurer to render this opinion as stated in the letter to the commissioner dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and disability companies."

(ii) For a consulting actuary, the opening paragraph of the actuarial opinion should contain a sentence such as:

"I, [name and title of actuary], a member of the American Academy of Actuaries, am associated with the firm of [insert name of consulting firm]. I have been appointed by, or by the authority of, the Board of Directors of [name of company] to render this opinion as stated in the letter to the commissioner dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and disability insurance companies."

(b) The regulatory authority paragraph should include a statement such as the following: "Said company is exempt pursuant to Regulation [insert designation] of the [name of state] Insurance Department from submitting a statement of actuarial opinion based on an asset adequacy analysis. This opinion, which is not based on an asset adequacy analysis, is rendered in accordance with Rule VII."

(c) The scope paragraph should contain a sentence such as the following: "I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed below, as shown in the annual statement of the company, as prepared for filing with state regulatory officials, as of December 31, [ ]." The

paragraph should list items and amounts with respect to which the appointed actuary is expressing an opinion. The list should include but not be necessarily limited to:

(i) Aggregate reserve and deposit funds for policies and contracts included in Exhibit 8;

(ii) Aggregate reserve and deposit funds for policies and contracts included in Exhibit 9;

(iii)Deposit funds, premiums, dividend and coupon accumulations and supplementary contracts not involving life contingencies included in Exhibit 10; and

(iv) Policy and contract claims--liability end of current year included in Exhibit 11, Part I.

(d) If the appointed actuary has examined the underlying records, the scope paragraph should also include the following: "My examination included such review of the actuarial assumptions and actuarial methods and of the underlying basic records and such tests of the actuarial calculations as I considered necessary."

(e) If the appointed actuary has not examined the underlying records, but has relied upon listings and summaries of policies in force prepared by the company or a third party, the scope paragraph should include a sentence such as one of the following:

(i) "I have relied upon listings and summaries of policies and contracts and other liabilities in force prepared by [name and title of company officer certifying in force records] as certified in the attached statement. (See accompanying affidavit by a company officer.) In other respects my examination included review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary." or

(ii) "I have relied upon [name of accounting firm] for the substantial accuracy of the in force records inventory and information concerning other liabilities, as certified in the attached statement. In other respects my examination included review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary." The statement of the person certifying shall follow the form indicated by Rule VII, Subsection (2)(j).

(f) The opinion paragraph should include the following: "In my opinion the amounts carried in the balance sheet on account of the actuarial items identified above:

(i) Are computed in accordance with those presently accepted actuarial standards which specifically relate to the opinion required under this rule;

(ii) Are based on actuarial assumptions which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;

(iii)Meet the requirements of the insurance law and regulations of the state of [state of domicile] and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;

(iv) Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end with any exceptions as noted below; and

(v) Include provision for all actuarial reserves and related statement items which ought to be established. The actuarial methods, considerations and analyses used in forming my opinion conform to the appropriate Compliance Guidelines as promulgated by the actuarial standards board, which guidelines form the basis of this statement of opinion."

(g) The concluding paragraph should document the eligibility for the company to provide an opinion as provided by this rule. It shall include the following: "This opinion is provided in accordance with Section 7 of the NAIC Actuarial Opinion and Memorandum Regulation. As such it does not include an opinion regarding the adequacy of reserves and related actuarial items when considered in light of the assets which support them. Eligibility for Section 7 is confirmed as follows:

(i) The ratio of the sum of capital and surplus to the sum of cash and invested assets is [insert amount], which equals or exceeds the applicable criterion based on the admitted assets of the company (Rule VI, Subsection (3)).

(ii) The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is [insert amount], which is less than the applicable criteria based on the admitted assets of the company (Rule VI, Subsection (3)).

(iii) The ratio of the book value of the non-investment grade bonds to the sum of capital and surplus is [insert amount], which is less than the applicable criteria of .50.

(iv) To my knowledge, the NAIC Examiner Team has not designated the company as a first priority company in any of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable or the company has resolved the first or second priority status to the satisifaction of the commissioner of the state of domicile.

(v) To my knowledge there is not a specific request from any commissioner requiring an asset adequacy analysis opinion.

_____

Signature of Appointed Actuary

_____

Address of Appointed Actuary

_____

Telephone Number of Appointed Actuary"

(h) If there has been any change in the actuarial assumptions from those previously employed, that change should be described in the annual statement or in a paragraph of the statement of actuarial opinion, and the reference in Subsection (2)(f)(iv) above to consistency should read as follows: "... with the exception of the change described on Page [ ] of the annual statement (or in the preceding paragraph)." The adoption for new issues or new claims or other new liabilities of an actuarial assumption which differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in actuarial assumptions within the meaning of this Subsection.

(i) If the appointed actuary is unable to form an opinion, he or she shall refuse to issue a statement of actuarial opinion. If the appointed actuary's opinion is adverse or qualified, he or she shall issue an adverse or qualified actuarial opinion explicitly stating the reason(s) for such opinion. This statement should follow the scope paragraph and precede the opinion paragraph.

(j) If the appointed actuary does not express an opinion as to the accuracy and completeness of the listings and summaries of policies in force, there should be attached to the opinion, the statement of a company officer or accounting firm who prepared such underlying data similar to the following: "I [name of officer], [title] of [name and address of company or accounting firm], hereby affirm that the listings and summaries of policies and contracts in force as of December 31, [ ], prepared for and submitted to [name of appointed actuary], were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.

Signature of the Officer of the Company or Accounting Firm

Address of the Officer of the Company or Accounting Firm

Telephone Number of the Officer of the Company or Accounting Firm"

AUTH: 33-2-521, MCA IMP: 33-2-521 through 33-2-537, MCA

RULE VIII STATEMENT OF ACTUARIAL OPINION BASED ON AN ASSET ADEQUACY ANALYSIS (1) The statement of actuarial opinion submitted in accordance with this rule shall consist of:

(a) A paragraph identifying the appointed actuary and his or her qualifications (see Subsection (2)(a));

(b) A scope paragraph identifying the subjects on which an opinion is to be expressed and describing the scope of the appointed actuary's work, including a tabulation delineating the reserves and related actuarial items which have been analyzed for asset adequacy and the method of analysis, (see Subsection (2)(b)) and identifying the reserves and related actuarial items covered by the opinion which have not been so analyzed;

(c) A reliance paragraph describing those areas, if any, where the appointed actuary has deferred to other experts in developing data, procedures or assumptions, (e.g., anticipated cash flows from currently owned assets, including variation in cash flows according to economic scenarios (see Subsection (2)(c)), supported by a statement of each such expert in the form prescribed by Subsection (5); and

(d) An opinion paragraph expressing the appointed actuary's opinion with respect to the adequacy of the supporting assets to mature the liabilities (see Subsection (2)(f)).

(e) One or more additional paragraphs will be needed in individual company cases as follows:

(i) If the appointed actuary considers it necessary to state a qualification of his or her opinion;

(ii) If the appointed actuary must disclose the method of aggregation for reserves of different products or lines of business for asset adequacy analysis;

(iii) If the appointed actuary must disclose reliance upon any portion of the assets supporting the asset valuation reserve (AVR), interest maintenance reserve (IMR) or other mandatory or voluntary statement of reserves for asset adequacy analysis;

(iv) If the appointed actuary must disclose an inconsistency in the method of analysis or basis of asset allocation used at the prior opinion date with that used for this opinion;

(v) If the appointed actuary must disclose whether additional reserves of the prior opinion date are released as of this opinion date, and the extent of the release;

(vi) If the appointed actuary chooses to add a paragraph briefly describing the assumptions which form the basis for the actuarial opinion.

(2) The following paragraphs are to be included in the statement of actuarial opinion in accordance with this rule. Language is that which in typical circumstances should be included in a statement of actuarial opinion. The language may be modified as needed to meet the circumstances of a particular case, but the appointed actuary should use language which clearly expresses his or her professional judgment. However, in any event the opinion shall retain all pertinent aspects of the language provided in this rule.

(a) The opening paragraph should generally indicate the appointed actuary's relationship to the company and his or her qualifications to sign the opinion.

(i) For a company actuary, the opening paragraph of the actuarial opinion should read as follows: "I, [name], am [title] of [insurance company name] and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the Board of Directors of said insurer to render this opinion as stated in the letter to the commissioner dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and disability insurance companies."

(ii) For a consulting actuary, the opening paragraph should contain a sentence such as: "I, [name], a member of the American Academy of Actuaries, am associated with the firm of [name of consulting firm]. I have been appointed by, or by the the authority of, the Board of Directors of [name of company] to render this opinion as stated in the letter to the Commissioner dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and disability insurance companies."

(b) The scope paragraph should include a statement such as the following: "I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed below, as shown in the annual statement of the company, as prepared for filing with state regulatory officials, as of December 31, [ ]. Tabulated below are those reserves and related actuarial items which have been subjected to asset adequacy analysis."

Asset Adequacy Tested Amounts Reserves and Liabilities					
Statement Item	Formula Reserves (1)	Additional Actuarial Reserves a. (2)	Analysis Method b.	Other Amount (3)	Total Amount (1)+(2)+(3) (4)
Exhibit 8 A Life Insurance					
B Annuities					
C Supplementary Contracts Involving Life Contingencies					
D Accidental Death Benefit					
E Disability - Active					
F Disability - Disabled					
G Miscellaneous					
Total (Exhibit 8 Item 1, Page 3)					
Exhibit 9 A Active Life Reserve					
B Claim Reserve					
Total (Exhibit 9 Item 2, Page 3)					

Notes:

a. The additional actuarial reserves are the reserves established under Subsections (5)(b) or (5)(c) of Rule V.

b. The appointed actuarial should indicate the method of analysis, determined in accordance with the standards for asset adequacy analysis referred to in Rule V, Subsection (4), by means of symbols which should be defined in footnotes to the table.

Statement Item	Formula Reserves (1)	Additional Actuarial Reserves a. (2)	Analysis Method b.	Other Amount (3)	Total Amount (1)+(2)+(3) (4)
Exhibit 10 1 Premiums and Other Deposit Funds					
1.1 Policyholder Premiums (Page 3, Line 10.1)					
1.2 Guaranteed Interest Contracts (Page 3, Line 10.2)					
1.3 Other Contract Deposit Funds (Page 3, Line 10.3)					
2 Supplementary Contracts Not Involving Life Contingencies (Page 3, Line 3)					
3 Dividend and Coupon Accumulations (Page 3, Line 5)					
Total Exhibit 10					

Notes:

a. The additional actuarial reserves are the reserves established under Subsections (5)(b) or (5)(c) of Rule V.

b. The appointed actuary should indicate the method of analysis, determined in accordance with the standards for asset adequacy analysis referred to in Rule V, Subsection (4), by means of symbols which should be defined in footnotes to the table.

Statement Item	Formula Reserves (1)	Additional Actuarial Reserves a. (2)	Analysis Method b.	Other Amount (3)	Total Amount (1)+(2)+(3) (4)
Exhibit 11 Part 1 1 Life (Page 3, Line 4.1)					
2 Health (Page 3, Line 4.2)					
Total Exhibit 11, Part 1					
Separate Accounts (Page 3, Line 27)					
TOTAL RESERVES					

IMR (Page__ Line__)	
AVR (Page__ Line__)	c.

Notes:

a. The additional actuarial reserves are the reserves established under Subsections (5)(b) or (5)(c) of Rule V.

b. The appointed actuary should indicate the method of analysis, determined in accordance with the standards for asset adequacy analysis referred to in Rule V, Subsection (4), by means of symbols which should be defined in footnotes to the table.

c. Allocated amount

(c) If the appointed actuary has relied on other experts to develop certain portions of the analysis, the reliance paragraph should include a statement such as the following: "I have relied on [name], [title] for [e.g., anticipated cash flows from currently owned assets, including variations in cash flows according to economic scenarios] and, as certified in the attached statement, ..." or "I have relied on personnel as cited in the supporting memorandum for certain critical aspects of the analysis in reference to the accompanying statement." Such a statement of reliance on other experts should be accompanied by a statement by each of such experts of the form prescribed by Rule VIII, Subsection (5).

(d) If the appointed actuary has examined the underlying asset and liability records, the reliance paragraph should also include the following: "My examination included such review of the actuarial assumptions and actuarial methods and of the underlying basic asset and liability records and such tests of the actuarial calculations as I considered necessary."

(e) If the appointed actuary has not examined the underlying records, but has relied upon listings and summaries of policies in force and/or asset records prepared by the company or a third party, the reliance paragraph should include a sentence such as: "I have relied upon listings and summaries [of policies and contracts, of asset records] prepared by [name and title of company officer certifying in-force records] as certified in the attached statement. In other respects my examination included such review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary;" or "I have relied upon [name of accounting firm] for the substantial accuracy of the in-force records inventory and information concerning other liabilities, as certified in the attached statement. In other respects my examination included review of the actuarial assumptions and actuarial methods and tests of the actuarial calculations as I considered necessary." Such a section must be accompanied by a statement by each person relied upon of the form prescribed by Rule VIII, Subsection (5).

(f) The opinion paragraph should include the following: "In my opinion the reserves and related actuarial values concerning the statement items identified above:

(i) Are computed in accordance with presently accepted actuarial standards consistently applied and are fairly stated, in accordance with sound actuarial principles;

(ii) Are based on actuarial assumptions which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;

(iii) Meet the requirements of the Insurance Law and regulation of the state of [state of domicile] and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;

(iv) Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end (with any exceptions noted below);

(v) Include provision for all actuarial reserves and related statement items which ought to be established.

The reserves and related items, when considered in light of the assets held by the company with respect to such reserves and related actuarial items including, but not limited to, the investment earnings on such assets, and the considerations anticipated to be received and retained under such policies and contracts, make adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the company.

The actuarial methods, considerations and analyses used in forming my opinion conform to the appropriate Standards of Practice as promulgated by the actuarial standards board, which standards form the basis of this statement of opinion.

This opinion is updated annually as required by statute. To the best of my knowledge, there have been no material changes from the applicable date of the annual statement to the date of the rendering of this opinion which should be considered in reviewing this opinion.
or
The following material change(s) which occurred between the date of the statement for which this opinion is applicable and the date of this opinion should be considered in reviewing this opinion: (Describe the change or changes.)

The impact of unanticipated events subsequent to the date of this opinion is beyond the scope of this opinion. The analysis of asset adequacy portion of this opinion should be viewed recognizing that the company's future experience may not follow all the assumptions used in the analysis.

_____
Signature of Appointed Actuary

_____
Address of Appointed Actuary

_____
Telephone Number of Appointed Actuary"

(3) The adoption for new issues or new claims or other new liabilities of an actuarial assumption which differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in actuarial assumptions within the meaning of Rule VIII.

(4) If the appointed actuary is unable to form an opinion, then he or she shall refuse to issue a statement of actuarial opinion. If the appointed actuary's opinion is adverse or qualified, then he or she shall issue an adverse or qualified actuarial opinion explicitly stating the reason(s) for such opinion. This statement should follow the scope paragraph and precede the opinion paragraph.

(5) If the appointed actuary does not express an opinion as to the accuracy and completeness of the listings and summaries of policies in force and/or asset oriented information, there shall be attached to the opinion the statement of a company officer or accounting firm who prepared such underlying data similar to the following: "I [name of officer], [title], of [name of company or accounting firm], hereby affirm that the listings and summaries of policies and contracts in force as of December 31, [ ], and other liabilities prepared for and submitted to [name of appointed actuary] were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.

_____

Signature of the Officer of the Company or Accounting Firm

_____

Address of the Officer of the Company or Accounting Firm

_____

Telephone Number of the Officer of the Company or Accounting Firm"

and/or

"I, [name of officer], [title] of [name of company, accounting firm, or security analyst], hereby affirm that the listings, summaries and analyses relating to data prepared for and submitted to [name of appointed actuary] in support of the asset-oriented aspects of the opinion were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.

Signature of the Officer of the Company, Accounting Firm or the Security Analyst

Address of the Officer of the Company, Accounting Firm or the Security Analyst

Telephone Number of the Officer of the Company, Accounting Firm or the Security Analyst"

AUTH: 33-2-521, MCA IMP: 33-2-521 through 33-2-537, MCA

RULE IX DESCRIPTION OF ACTUARIAL MEMORANDUM INCLUDING AN ASSET ADEQUACY ANALYSIS (1)(a) In accordance with 33-2-521 (4), (5) and 33-7-118 (2), MCA, the appointed actuary shall prepare a memorandum to the company describing the analysis done in support of his or her opinion regarding the reserves under a Rule VIII opinion. The memorandum shall be made available for examination by the commissioner upon his or her request but shall be returned to the company after such examination and shall not be considered a record of the insurance department or subject to automatic filing with the commissioner.

(b) In preparing the memorandum, the appointed actuary may rely on, and include as a part of his or her own memorandum, memoranda prepared and signed by other actuaries who are qualified within the meaning of Rule V, Subsection (2), with respect to the areas covered in such memoranda, and so state in their memoranda.

(c) If the commissioner requests a memorandum and no such memorandum exists or if the commissioner finds that the analysis described in the memorandum fails to meet the standards of the Actuarial Standards Board or the standards and requirements of these rules, the commissioner may designate a qualified actuary to review the opinion and prepare such supporting memorandum as is required for review. The reasonable and necessary expense of the independent review shall be paid by the company but shall be directed and controlled by the commissioner.

(d) The reviewing actuary shall have the same status as an examiner for purposes of obtaining data from the company and the work papers and documentation of the reviewing actuary shall be retained by the commissioner; provided, however, that any information provided by the company to the reviewing actuary and included in the work papers shall be considered as material provided by the company to the commissioner and shall be kept confidential to the same extent as is prescribed by

law with respect to other material provided by the company to the commissioner pursuant to the statute governing these rules. The reviewing actuary shall not be an employee of a consulting firm involved with the preparation of any prior memorandum or opinion for the insurer pursuant to these rules for any one of the current year or the preceding three (3) years.

(2) When an actuarial opinion under Rule VIII is provided, the memorandum shall demonstrate that the analysis has been done in accordance with the standards for asset adequacy referred to in Rule V, Subsection (4) and any additional standards under these rules. It shall specify:

(a) For reserves:

(i) Product descriptions including market description, underwriting and other aspects of a risk profile and the specific risks the appointed actuary deems significant;

(ii) Source of liability in force;

(iii) Reserve method and basis;

(iv) Investment reserves;

(v) Reinsurance arrangements.

(b) For assets:

(i) Portfolio descriptions, including a risk profile disclosing the quality, distribution and types of assets;

(ii) Investment and disinvestment assumptions;

(iii) Source of asset data;

(iv) Asset valuation bases.

(c) Analysis basis:

(i) Methodology;

(ii) Rationale for inclusion/exclusion of different blocks of business and how pertinent risks were analyzed;

(iii) Rationale for degree of rigor in analyzing different blocks of business;

(iv) Criteria for determining asset adequacy;

(v) Effect of federal income taxes, reinsurance and other relevant factors.

(d) Summary of Results.

(e) Conclusion(s).

(3) The memorandum shall include a statement: "Actuarial methods, considerations and analyses used in the preparation of this memorandum conform to the appropriate standards of practice as promulgated by the actuarial standards board, which standards form the basis for this memorandum."

AUTH: 33-2-521, MCA IMP: 33-2-521 through 33-2-537, MCA

RULE X ADDITIONAL CONSIDERATIONS FOR ANALYSIS

(1) For the asset adequacy analysis for the statement of actuarial opinion provided in accordance with Rule VIII, reserves and assets may be aggregated by either of the following methods:

(a) Aggregate the reserves and related actuarial items, and the supporting assets, for different products or lines of business, before analyzing the adequacy of the combined assets

to mature the combined liabilities. The appointed actuary must be satisfied that the assets held in support of the reserves and related actuarial items so aggregated are managed in such a manner that the cash flows from the aggregated assets are available to help mature the liabilities from the blocks of business that have been aggregated.

(b) Aggregate the results of asset adequacy analysis of one or more products or lines of business, the reserves for which prove through analysis to be redundant, with the results of one or more products or lines of business, the reserves for which prove through analysis to be deficient. The appointed actuary must be satisfied that the asset adequacy results for the various products or lines of business for which the results are so aggregated:

(i) Are developed using consistent economic scenarios, or

(ii) Are subject to mutually independent risks, i.e., the likelihood of events impacting the adequacy of the assets supporting the redundant reserves is completely unrelated to the likelihood of events impacting the adequacy of the assets supporting the deficient reserves.

(c) In the event of any aggregation, the actuary must disclose in his or her opinion that such reserves were aggregated on the basis of method (1)(a), (b)(i) or (b)(ii) above, whichever is applicable, and describe the aggregation in the supporting memorandum.

(2) The appointed actuary shall analyze only those assets held in support of the reserves which are the subject for specific analysis, hereafter called "specified reserves." A particular asset or portion thereof supporting a group of specified reserves cannot support any other group of specified reserves. An asset may be allocated over several groups of specified reserves. The annual statement value of the assets held in support of the reserves shall not exceed the annual statement value of the specified reserves, except as provided in Subsection (3) below. If the method of asset allocation is not consistent from year to year, the extent of its inconsistency should be described in the supporting memorandum.

(3)(a) An appropriate allocation of assets in the amount of the interest maintenance reserve (IMR), whether positive or negative, must be used in any asset adequacy analysis. Analysis of risks regarding asset default may include an appropriate allocation of assets supporting the asset valuation reserve (AVR); these AVR assets may not be applied for any other risks with respect to reserve adequacy. Analysis of these and other risks may include assets supporting other mandatory or voluntary reserves available to the extent not used for risk analysis and reserve support.

(b) The amount of the assets used for the AVR must be disclosed in the Table of Reserves and Liabilities of the opinion and in the memorandum. The method used for selecting

particular assets or allocated portions of assets must be disclosed in the memorandum.

(4)(a) For the purpose of performing the asset adequacy analysis required by this regulation, the qualified actuary is expected to follow standards adopted by the actuarial standards board; nevertheless, the appointed actuary must consider in the analysis the effect of at least the following interest rate scenarios:

(i) Level with no deviation;

(ii) Uniformly increasing over ten (10) years at a half percent per year and then level;

(iii) Uniformly increasing at one percent per year over five (5) years and then uniformly decreasing at one percent per year to the original level at the end of ten (10) years and then level;

(iv) An immediate increase of three percent (3%) and then level;

(v) Uniformly decreasing over ten (10) years at a half percent per year and then level;

(vi) Uniformly decreasing at one percent per year over five (5) years and then uniformly increasing at one percent per year to the original level at the end of ten (10) years and then level; and

(vii) An immediate decrease of three percent (3%) and then level.

(b) For these and other scenarios which may be used, projected interest rates for a five (5) year U.S. Treasury Note need not be reduced beyond the point where the five (5) year U.S. Treasury Note yield would be at fifty (50%) of its initial level.

(c) The beginning interest rates may be based on interest rates for new investments as of the valuation date similar to recent investments allocated to support the product being tested or be based on an outside index, such as U.S. Treasury yields, of assets of the appropriate length on a date close to the valuation date. Whatever method is used to determine the beginning yield curve and associated interest rates should be specifically defined. The beginning yield curve and associated interest rates should be consistent for all interest rate scenarios.

(5) The appointed actuary shall retain on file, for at least seven (7) years, sufficient documentation so that it will be possible to determine the procedures followed, the analyses performed, the bases for assumptions and the results obtained.

AUTH: 33-2-521, MCA IMP: 33-2-521 through 33-2-537, MCA

3. These rules are being adopted because they establish prudent detailed requirements for the preparation of an actuary's opinion on the reserves of a life and disability insurer licensed in the state of Montana.

4. Interested persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Heather Cafferty, Montana Insurance Department, P.O. Box 4009, Helena, MT 69504 and must be received no later than May 2, 1996.

5. Gary L. Spaeth has been designated to preside over and conduct the hearing.

MARK O'KEEFE, State Auditor
and Commissioner of Insurance

By _____
Frank Coté
Deputy Insurance Commissioner

_____
Gary L. Spaeth
Rules Reviewer

Certified to the Secretary of State this 22nd day of March, 1996.

BEFORE THE CLASSIFICATION REVIEW COMMITTEE
OF THE STATE OF MONTANA

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

TO: All Interested Persons.

1. 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 on May 7, 1996.

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 ~~January 25, 1996~~ May 24, 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 amendment is 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-1334 - Elimination of Chemical Dyestuff Rating Plan - Effective July 1, 1996.

Purpose: Eliminate Chemical and Dyestuff Rating Plan and in its place establish two classifications for risks engaged in chemical operations which are not otherwise classified in the Basic Manual.

Child Day Care Center and Drivers and Child Day Camp and Drivers - Effective July 1, 1996.

Purpose: To create a special code for those operations, which will remove them from the "School: Non-Professional" and "Chauffeurs" so that they may develop their own experience.

4. Interested parties may submit their data, views or arguments concerning the proposed amendment in writing to Christy Weikert, 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 May 6, 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 Weikert, 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 May 2, 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: 10 for the elimination of the chemical and dyestuff rating plan based on 104 persons in the state the classifications of which are affected by the

proposed amendment; 40 for the classification involving child day care centers and camps, based on 404 persons in the state the classifications of which are affected by the proposed amendment.

CLASSIFICATION AND
REVIEW COMMITTEE

By: Christy Wiekart
Christy Wiekart
Chairperson

By: Gary L Spaeth
Gary L Spaeth
Rules Reviewer

Certified to the Secretary of State on March 22, 1996.

BEFORE THE STATE AUDITOR AND COMMISSIONER OF INSURANCE
OF THE STATE OF MONTANA

In the matter of the repeal of Rules 6.6.2007 through 6.6.2010 pertaining to unfair trade practices on cancellations, non-renewals, or premium increases of casualty or property insurance.	)))))	NOTICE OF PROPOSED REPEAL NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On May 6, 1996, the State Auditor and Commissioner of Insurance proposes to repeal rules 6.6.2007 through 6.6.2010 pertaining to unfair trade practices on cancellations, non-renewals, or premium increases of casualty or property insurance.

2. The rules proposed for repeal are ARM 6.6.2007 INFORMATION ABOUT GROUNDS; 6.6.2008 HOMEOWNERS INSURANCE AFFECTED BY DAY-CARE OPERATIONS; 6.6.2009 UNFAIR TRADE PRACTICES; and 6.6.2010 SEVERABILITY, and are located on pages 6-216 through 6-217 of the Administrative Rules of Montana. These rules are being repealed because they are duplicative of subsequently enacted legislation, 33-15-1101 through 33-15-1106, MCA. The authorizing and implemented statutes are as follows:

AUTH: 33-1-313, MCA
IMP: 2-4-305 and 2-4-314, MCA

3. Interested parties may submit their data, views or arguments concerning the proposed repeal in writing to Heather Cafferty, Montana Insurance Department, P.O. Box 4009, Helena, Montana 59604, and must be received no later than May 2, 1996.

4. If a person who is directly affected by the proposed repeal wishes to express his data, views and arguments orally or in writing at a public hearing, he must make a written request for a hearing and submit this request along with any written comments he has to Heather Cafferty, Montana Insurance Department, P.O. Box 4009, Helena, Montana 59604. A written request for hearing must be received no later than May 2, 1996.

5. If the agency receives requests for a public hearing on the proposed repeal 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 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 30 persons based on the 300 persons who have indicated interest in the rules of this agency and who the agency has determined could be directly affected by these rules.

MARK O'KEEFE, State Auditor
and Commissioner of Insurance

By Rusty Harper
Rusty Harper
Deputy State Auditor

Elizabeth A. O'Halloran
Elizabeth A. O'Halloran
Rules Reviewer

Certified to the Secretary of State this 25th day of March, 1996.

BEFORE THE BOARD OF COSMETOLOGISTS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed amendment of a rule pertaining to license examinations) NOTICE OF PUBLIC HEARING ON THE PROPOSED AMENDMENT OF 8.14.802 LICENSE EXAMINATIONS

TO: All Interested Persons:

1. On April 25, 1996, at 9:00 a.m., a public hearing will be held in the Professional and Occupational Licensing conference room, Arcade Building, 111 N. Jackson, Helena, Montana, to consider the proposed amendment of the above-stated rule.

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

"8.14.802 LICENSE EXAMINATIONS (1) through (1)(a) will remain the same.

(2) Written examinations shall ~~include~~ consist of a national examination covering each of the branches of cosmetology or manicuring ~~and cosmetology law and rules~~.

~~(3) The board may, from time to time, modify the written and practical exam.~~

(4) will remain the same, but will be renumbered (3).

~~(5)~~ (4) Any applicants who have failed any part of the practical or written examination and wish to retake the examination, must notify the board office of their desire to be re-examined by the examination deadline ~~at least 20 days~~ before the next examination and pay the required re-examination fee.

(6) will remain the same, but will be renumbered (5).

~~(7)~~ (6) In order to pass the examination given by the board to practice cosmetology or manicuring, an applicant must obtain ~~a grade~~ scale score of not less than 75~~%~~ in the practical examination and a scale score of not less than 75~~%~~ on the written examination.

~~(a) The written examination consists of a national theory examination and an examination over Montana laws and rules relating to cosmetology.~~

~~(b) The written score is obtained by taking 80% of one national theory examination and 20% of the laws and rules examination and adding the two scores together.~~

~~(8)~~ (7) Applicants will be notified of their examination results in writing only. Upon request, unsuccessful applicants will be advised of those practical areas in which they were found deficient by requesting a strength and weakness report with the appropriate fee from the board office. ~~Appointment must be made with the board office to review examinations.~~"

Auth: Sec. 37-1-131, 37-31-203, MCA; IMP, Sec. 37-31-303, 37-31-307, 37-31-308, 37-31-321, MCA

REASON: On October 29, 1995 the Board of Cosmetologists at its regular scheduled meeting voted to adopt the National practical examination offered by National Interstate Council of State Boards of Cosmetology (NIC) and continue with the NIC written examination, but delete the requirement for the Cosmetology law and rule exam. The written examination score was a combined score of the national written 80% and the law and rule 20%. The practical and written scores will be only those reported to the board by NIC within three to four weeks. The national practical and written examinations will be graded by NIC on a scaled score rather than a percentile. The strength and weakness reports will be prepared by NIC for the candidates. This will prevent the Board from making administrative grading errors.

3. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing. If you wish to request an accommodation, contact the Department no later than 5:00 p.m., April 15, 1996, to advise us of the nature of the accommodation that you need. Please contact Jeannie Worsech, Board of Cosmetologists, 111 N. Jackson, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 444-4288; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 444-1667. Persons with disabilities who need an alternative accessible format of this document in order to participate in this rule-making process should contact Jeannie Worsech.

4. Interested persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Cosmetologists, 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile, number (406) 444-1667, to be received no later than 5:00 p.m., May 2, 1996.

5. Colleen A. Graham, attorney, has been designated to preside over and conduct this hearing.

BOARD OF COSMETOLOGISTS
MARY BROWN, CHAIRMAN

BY: Annie M. Bartos
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

Annie M. Bartos
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, March 25, 1996.

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

In the matter of the amendment of Montana's prevailing wage rates, pursuant to Rule 24.16.9007	))))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS OF PREVAILING WAGE RATES-BUILDING CONSTRUCTION

TO ALL INTERESTED PERSONS:

1. On April 25, 1996, at 9:30 a.m., a public hearing will be held in room 104 of the Walt Sullivan Building (Department of Labor and Industry Building), 1327 Lockey, Helena, Montana, to consider proposed amendments to the prevailing wage rate rule, ARM 24.16.9007. The Department proposes amending the rule to incorporate by reference 1996 building construction rates.

The Department of Labor and Industry will make reasonable accommodations for 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., April 18, 1996, to advise us of the nature of the accommodation that you need. Please contact the Job Service Division, Research and Analysis Bureau, Attn: Ms. Kate Kahle, P.O. Box 1728, Helena, MT 59624-1728; telephone (406) 444-2430; TDD (406) 444-0532; fax (406) 444-2638.

2. The Department hereby proposes to adopt and incorporate by reference the 1996 version of the "State of Montana Prevailing Wage Rates-Building Construction" publication which sets forth the building construction prevailing wage rates. A copy of the proposed prevailing wage rates may be obtained from Kate Kahle, Job Service Division, Research and Analysis Bureau, P.O. Box 1728, Helena, MT 59624-1728.

AUTH: 18-2-431 and 2-4-307 MCA
IMP: 18-2-401 through 18-2-432 MCA

REASON: Pursuant to 18-2-402 and 18-2-411(b)(5), MCA, the Department is updating the standard prevailing wages for building construction. Prevailing wage rates are established for each wage rate district in the state. The Department updates the prevailing wages for building construction occupations every two years. Prevailing wages for building construction were last updated in 1994. Use of prevailing wage rates is required in public contracts by 18-2-422, MCA.

3. Interested parties may submit their data, views, or comments, either orally or in writing, at the hearing. Written data, views, or comments may also be submitted to:

Kate Kahle
Job Service Division
Research and Analysis Bureau
Department of Labor and Industry
P.O. Box 1728
Helena, Montana 59624-1728

so that they are received by not later than 5:00 p.m., May 2, 1996.

4. The Department proposes to make these amendments effective July 1, 1996.

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

David A. Scott
Rule Reviewer

Laurie Ekanger, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: March 25, 1996.

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

In the matter of the proposed amendment of ARM 24.21.414 by the adoption of wage rates for certain apprenticeship programs	) NOTICE OF PUBLIC HEARING ON) THE PROPOSED AMENDMENT) OF ARM 24.21.414 BY THE) ADOPTION OF WAGE RATES)

TO ALL INTERESTED PERSONS:

1. On April 25, 1996, at 10:30 a.m. or as shortly as possible thereafter, a public hearing will be held in room 104 of the Walt Sullivan Building (Department of Labor and Industry Building), 1327 Lockey, Helena, Montana, to consider the amendment of ARM 24.21.414 by the adoption of wage rates related to certain apprenticeship programs in the building construction industry.

The Department of Labor and Industry will make reasonable accommodations for 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., April 18, 1996, to advise us of the nature of the accommodation that you need. Please contact the Apprenticeship Program, Job Service Division, Attn: Dan Miles, P.O. Box 1728, Helena, MT 59624-1728; telephone (406) 444-4511; TDD (406) 444-0532; fax (406) 444-3037. Persons with disabilities who need an alternative accessible format of this document in order to participate in this rule-making process should contact Mr. Miles.

2. The Department of Labor and Industry proposes to amend ARM 24.21.414 as follows: (new matter underlined, deleted matter interlined)

24.21.414 WAGE RATES TO BE PAID IN BUILDING CONSTRUCTION OCCUPATIONS (1) through (4) Remain the same.

(5) The department will publish and incorporate by reference the ~~1995~~ 1996 edition of the publication entitled "State of Montana Base Journey-Level Rates for Apprentice Wages" which sets forth the building construction industry occupations journeyman wage rates in the five regions of Montana, excluding the seven largest counties, in order to set the apprentice wage rates provided by (3) and (4). A copy of the publication is available from Kate Kahle, Research and Analysis Bureau, Department of Labor and Industry, 1327 Lockey, P.O. Box 1728, Helena, MT 59624-1728.

(6) and (7) Remain the same.

AUTH: Sec. 39-6-101 MCA
IMP: Sec. 39-6-101 and 39-6-106 MCA

REASON: There is reasonable necessity for amendment of this rule in order to update the base wage rates, as contemplated by this rule. The proposed amendments are being offered as part of the biennial updating of certain wage rates.

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

Dan Miles
Apprenticeship Program
Job Service Division
Department of Labor and Industry
P.O. Box 1728
Helena, Montana 59624-1728

and must be received by no later than 5:00 p.m., May 2, 1996.

4. ARM 24.21.414 makes reference to the building construction prevailing wage rates adopted in ARM 24.16.9007. Persons interested in those prevailing wage rates should take notice that the Department will be conducting a public hearing on the proposed 1996 version of those rates at 9:30 a.m. on April 25, 1996, in the same room as the apprenticeship rate hearing. Persons wishing to obtain a copy of the official Notice of Public Hearing for the prevailing wage rates and/or the proposed 1996 prevailing wage rates may contact Kate Kahle, Research and Analysis Bureau, Job Service Division, Department of Labor and Industry, 1327 Lockey, P.O. Box 1728, Helena, MT 59624-1728; telephone (406) 444-2430; TDD (406) 444-0532; fax (406) 444-2638.

5. The Department proposes to make the amendment and incorporation by reference effective July 1, 1996. The Department reserves the right to adopt only portions of proposed amendments, or to adopt some or all of the proposals at a later date.

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

Mark Cadwallader
Alternate Rule Reviewer

Laurie Ekanger, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: March 25, 1996.

BEFORE THE BOARD OF LAND COMMISSIONERS
OF THE STATE OF MONTANA

In the matter of the adoption of new rules I through X pertaining to all activities on classified forest lands within Montana during the legal fire season, the amendment of rule 36.10.122, pertaining to debris disposal, and the repeal of rules 36.10.109 through 36.10.115, and 36.10.118, pertaining to fire prevention on forest lands	NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION, AMENDMENT, AND REPEAL

TO: All Interested Persons.

1. On April 30, May 1, 7, and 8, 1996, the department will hold public hearings to consider the adoption of new rules I through X which apply to all activities on classified forest lands within Montana during the legal forest fire season, the amendment of rule 36.10.122, pertaining to debris disposal, and the repeal of rules 36.10.109 through 36.10.115, and 36.10.118, pertaining to fire prevention on forest lands. The hearings will be conducted at 7:00 p.m. on the following dates and at the following locations:

April 30th	Lincoln Center, Board Room 415 N. 30th Street Billings, Montana 59101-1298
May 1st	Highway Department, Auditorium 2701 Prospect Avenue Helena, Montana 59620
May 7th	Justice Center, Conference Room (downstairs) 920 S. Main Kalispell, Montana 59901
May 8th	Missoula City Fire Dept. Station #4, Conference Room 3011 Latimer Missoula, Montana 59802

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 5:00 p.m. on April 17, 1996, 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 Steve Jorgenson, Forestry Division, 2705 Spurgin Road, Missoula, MT 59801; telephone (406) 542-4206; FAX (406) 542-4242.

2. The proposed new rules provide as follows:

RULE I DEBRIS BURNING (1) The person conducting the burn shall obtain written authorization from the recognized fire protection agency before igniting any open fire during the legal forest fire season. The fire protection authority may deny, restrict, or rescind any authorization by notifying the person conducting the burn.

(2) All burning must comply with the Department of Environmental Quality or state/county/local open burning regulations.

(3) Written authorization is not required for campfires.

AUTH: 76-13-109, MCA
IMP: 76-13-121, MCA

RULE II CAMPFIRES (1) Campfires cannot be left unattended and must be completely extinguished.

(2) All campfires must be constructed in cleared or bare areas, and not allowed to spread beyond the established ring, pit, grate, or container.

(3) Anyone igniting a campfire is required to have fire tools listed in Rule VIII(4).

AUTH: 76-13-109, MCA
IMP: 76-13-123, MCA

RULE III RAILROADS AND POWERLINES (1) Railroad and powerline companies are required to prepare and annually update working agreements with recognized fire protection agencies. These agreements must address safety and fire response procedures; and identify, remove, prevent, modify, abate, or correct forest fire hazards and risks associated with railroad and powerline company operations.

AUTH: 76-13-109, MCA
IMP: 69-14-721, 76-13-101, and 76-13-201, MCA

RULE IV EQUIPMENT (1) All internal combustion engines must be equipped with an approved and effective spark-arresting system, as established in the National Wildfire Coordinating Group's Spark Arrester Guides. Spark-arresting devices must be marked, properly installed, and maintained in accordance with the Guides. The following vehicles are exempt:

(a) automobiles and light trucks of less than 23,000 GVW when all exhaust gases pass through a properly installed and maintained exhaust system, baffle-type muffler, and tailpipe. Vehicles with glass-pack mufflers do not qualify for the exemption;

(b) heavy-duty trucks of 23,000 GVW or greater, with a muffler and vertical stack exhaust system extending above the cab; and

(c) vehicles with other spark-arresting systems providing equal or increased effectiveness. Such vehicles must be inspected and have written authorization from the recognized fire protection agency.

(2) Equipment used for commercial, ranching, or industrial activities must meet the fire extinguisher and tool requirements listed in Rule VIII(4).

AUTH: 76-13-109, MCA
IMP: 76-13-125, MCA

RULE V FLAMING AND GLOWING SUBSTANCES (1) All flaming and glowing substances, including but not limited to, lighted cigarettes, cigars, ashes, and matches, must be extinguished before being discarded.

(2) Smoking is allowed only at areas free of flammable or combustible material. Examples of these areas include a graveled road or an enclosed vehicle.

AUTH: 76-13-109, MCA
IMP: 76-13-121, 76-13-123, and 76-13-124, MCA

RULE VI FIREWORKS (1) Use of fireworks is prohibited on all classified forest lands unless written authorization is obtained from the recognized fire protection agency. Authorization will only be considered between June 24 and July 5, inclusive, to coincide with the legal dates for the sale of fireworks in Montana.

AUTH: 76-13-109, MCA
IMP: 50-37-103, 50-37-106, and 76-13-124, MCA

RULE VII WILDLAND/URBAN INTERFACE (1) County governments without subdivision wildfire protection standards are encouraged to establish standards for all new subdivisions by January 1, 2000.

(2) The Fire Protection Guidelines for Wildland/Residential Interface Development, (DSL/DOJ, 1993), is available for use to assist counties in the development of standards.

AUTH: 76-13-109, MCA
IMP: 76-13-101, 76-13-104, and 76-13-106, MCA

RULE VIII FIRE EXTINGUISHERS AND FIREFIGHTING TOOLS (1) Chainsaw operators shall carry a fully charged and operable fire extinguisher, minimum-capacity 8-ounce liquid or 1-pound dry chemical, with a 4BC or higher rating.

(2) Vehicles and equipment, mobile or stationary, with a combustion engine/motor used for commercial, ranching, or industrial activities must have one operable, dry-chemical fire extinguisher with a minimum 2-1/2-pound capacity and 4BC or higher rating.

(3) Chainsaw operators shall maintain one usable shovel at chainsaw-fueling sites.

(4) All persons igniting a campfire shall have one usable shovel and bucket. Persons igniting a barbecue need not have a shovel or bucket if the ashes are not removed from the container and the ashes or container are not placed on or near combustible material.

(5) All commercial, ranching, or industrial activities must have:

(a) One usable shovel or pulaski with each vehicle and equipment with an internal combustion engine/motor, mobile or stationary.

(b) One backpack pump with each vehicle and with any equipment, mobile or stationary, with an internal combustion engine/motor, that cannot be used to build fireline and is being operated on combustible material.

(6) Other types of firefighting tools that provide increased efficiency or effectiveness may be substituted by written authorization from the recognized fire-protection agency. For example, a "combi" firefighting tool may be substituted for a shovel or pulaski.

AUTH: 76-13-109, MCA
IMP: 76-13-101, MCA

RULE IX CORRECTION OF HAZARD AND UNUSUAL CIRCUMSTANCES OR EVENTS (1) The recognized fire-protection agency may require identified wildland-fire hazards and/or risks be halted, prevented, abated, removed, disposed of, mitigated, or patrolled. This applies to public, private, nonprofit, commercial, and/or residential circumstances or events.

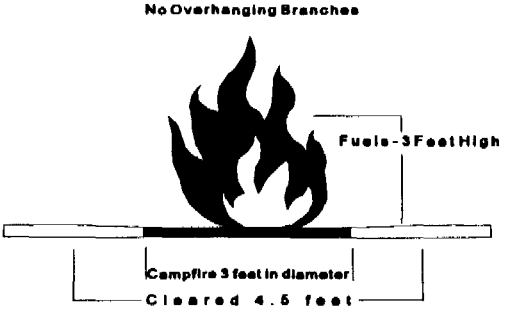
AUTH: 76-13-109, MCA
IMP: 76-13-101, MCA

RULE X DEFINITIONS Unless the context requires otherwise, to aid in the implementation of the forest fire rules and regulations and as used in these rules:

(1) "Backpack pump" means a 5-gallon minimum, standard galvanized metal, fiberglass, or rubberized backpack water container with attached handpump; full of water at all times.

(2) "Bucket" means a metal, plastic, canvas, or fiberglass container capable of holding at least one gallon of water. Motorcycle helmets qualify.

(3) "Campfire" means a fire set for cooking, warming, or ceremonial purposes; not more than 3 feet in diameter or height; void of overhanging branches; with all combustible material cleared at least 1-1/2 times the diameter of the fire; or a barbecue in a noncombustible container.



(4) "Combi tool" means a tool combining a shovel and pick.

(5) "Fireworks" means as defined in 50-37-101, MCA.

(6) "Forested land" means land that has been classified as forest land by the department and has enough timber, standing or down, slash, or brush to constitute in the judgment of the department a fire menace to life or property. Grassland and agricultural areas are included when those areas are intermingled with or contiguous to and no further than one-half mile from areas of forest land.

(7) "Hazard" means a condition that promotes the ignition and/or spread of a wildland fire.

(8) "Open fire" means the burning of a bonfire, rubbish fire, or other fire in an outdoor location where fuel being burned is not contained in a closed incinerator, or outdoor fireplace. Barbecue pits and burn barrels are considered open fires and therefore require a burning permit (see Rule I).

(9) "Pulaski" means an ax with a medium size sharp grub hoe opposite the ax blade.

(10) "Recognized fire-protection agency" means an agency organized for the purpose of providing fire protection and recognized by the board as giving adequate fire protection to forest lands in accordance with rules adopted by the board.

(11) "Risk" means an action or device that could cause a wildland fire to ignite.

(12) "Shovel" means vehicle, equipment, and chainsaw operator shovels will have a minimum overall length of 36" with a round pointed shovel head with a minimum width of 6". Shovels required for campfires must be at least 24-inches in length with a pointed shovel head. Folding handles qualify.

AUTH: 76-13-109, MCA
IMP: 50-37-101, 77-5-103(3), 76-11-101, 76-11-102, and 76-13-109, MCA

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

36.10.122 APPLICABILITY (1) The forest fire rules, ~~ARM 26.6.209 through 26.6.215 and ARM 26.6.218 through 26.6.222~~ Rules I through Rule X, are in effect each year on classified forest lands during the forest fire season May 1st to September 30th inclusive, or any legal extension thereof. Requirements pertaining to motor vehicles do not apply to those being operated solely on roads that are a part of federal or state maintained highway systems or on any paved public road.

AUTH: 76-13-109, MCA
IMP: 76-13-109 and 76-13-125, MCA

4. The rules proposed to be repealed, ARM 36.10.109 through 36.10.115 and 36.10.118, are on pages 36-1214, 36-1215, 36-1216, 36-1217, and 36-1218, respectively, of the Administrative Rules of Montana.

AUTH: 76-13-109, MCA
IMP: 76-13-101, 76-13-121, 76-13-123, 76-13-124, 76-13-126, and 76-13-201, MCA

5. The new rules are necessary because the current rules (revised in January of 1983) are in need of an update. It is generally felt that the existing rules are outdated, confusing, and burdened with terms and references too difficult for the general public and fire personnel to understand. In addition, the current rules primarily address forest industries and are written to prevent fires started by logging/sawing operations. Logging and timber industries no longer constitute the largest fire cause category. The rules are drafted to address the principal, contemporary, fire cause categories.

6. Interested parties may submit 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 Steve Jorgenson, Department of Natural Resources and Conservation, Forestry Division, 2705 Spurgin Road, Missoula, MT 59801. Any comments must be received no later than May 13, 1996.

7. The Division of Forestry, Department of Natural Resources and Conservation has been designated to preside over and conduct the hearing.

BOARD OF LAND COMMISSIONERS
MARC RACICOT, CHAIR

By: _____ _____
ARTHUR R. CLINCH, DIRECTOR
DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION

DON MacINTYRE, RULE REVIEWER

Certified to the Secretary of State March 25, 1996.

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

In the matter of the adoption of Rules I through XVII pertaining to home infusion therapy	))))	NOTICE OF PUBLIC HEARING ON THE PROPOSED ADOPTION OF RULES

TO: All Interested Persons

1. On April 25, 1996, at 1:30 p.m., a public hearing will be held in the auditorium of the Social and Rehabilitation Building, 111 Sanders, Helena, Montana to consider the proposed adoption of rules I through XVII pertaining to home infusion therapy.

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 April 15, 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 adopted provide as follows:

[RULE I] HOME INFUSION THERAPY: DEFINITIONS In addition to the definitions in 50-5-101, MCA, the following definitions apply to this sub-chapter:

(1) "Antineoplastic" means a pharmaceutical that has the capability of killing malignant cells.

(2) "Biological safety cabinet" means a containment unit suitable for the preparation of low to moderate risk agents where there is a need, according to national sanitation foundation Standard 49, for protection of the product, personnel, and environment.

(3) "Class 100 environment" means an atmospheric environment which contains less than 100 particles 0.5 microns in diameter per cubic foot of air.

(4) "Critical area" means an area where sterilized products or containers are exposed to the environment during aseptic preparation.

(5) "Enteral" means within or by way of the intestine.

(6) "Licensed Health Care Professional" means a physician (M.D. or D.O.), a physician assistant-certified, a nurse practitioner, or a registered nurse practicing within the scope of their license.

(7) "Parenteral" means a sterile preparation of drugs for injection through one or more layers of the skin.

(8) "Pharmacist" means a natural person licensed by the Montana department of commerce to prepare, compound, dispense, and sell drugs, medicines, chemicals, and poisons and who may affix to the person's name the term "R.Ph."

(9) "Pharmacist-in-charge" means a pharmacist licensed by the Montana department of commerce who accepts responsibility for the operation of a pharmacy in conformance with all laws and rules pertinent to the practice of pharmacy and the distribution of drugs, and who is personally in full and actual charge of such pharmacy.

(10) "Pharmacy" means an established place registered by the Montana department of commerce in which prescriptions, drugs requiring a prescription, medicines, chemicals, and poisons are compounded, dispensed, vended, or sold.

(11) "Prescribing practitioner" means a practitioner authorized to prescribe by the jurisdiction in which he or she is licensed to practice the profession and acting with the scope of this authorization.

(12) "Sterile pharmaceutical" means a dosage form free from living micro-organisms (aseptic).

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE II] HOME INFUSION THERAPY; RESPONSIBILITY FOR SERVICES (1) Where a home infusion therapy agency directly provides either the home infusion therapy services or skilled nursing services and arranges for the provision of the other services, the parties must enter into a written contract defining the nature and scope of the services to be provided by each party. The contract must:

(a) describe the services to be provided by each party;

(b) specify the responsibilities of each of the parties in the provision, coordination, supervision, and evaluation of the care or services provided; and

(c) specify the role of the parties in:

(i) the patient admission process;

(ii) the patient assessment process;

(iii) the patient education process;

(iv) the development, review, and revision of the plan of care;

(v) the development, review, and revision of the patient home care record;

(vi) the provision of clinical services;

(vii) the patient care conferences; and

(viii) discharge planning.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE III] HOME INFUSION THERAPY: ADMINISTRATOR (1) Each home infusion therapy agency must employ an administrator who shall:

(a) organize and direct the home infusion therapy agency's ongoing functions;

(b) be responsible for ongoing oversight of the agency's quality assessment system, including the establishment of policies and procedures which address the safe control, accountability and distribution of infusion products;

(c) employ qualified personnel and ensure adequate staff education and evaluation; and

(d) be familiar with and assure compliance with the rules of this sub-chapter.

(2) For a pharmacy which is licensed as a home infusion therapy agency, the pharmacist-in-charge may be the administrator.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE IV] HOME INFUSION THERAPY: ADMINISTRATION OF MEDICATION AND TREATMENT (1) All medications and treatments administered by the home infusion therapy agency's personnel or contracted parties must be administered by licensed health care professionals.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE V] HOME INFUSION THERAPY: CLINICAL SERVICES (1) Each home infusion therapy agency, in consultation with any contracted parties, if applicable, shall:

(a) provide clinical and laboratory data concerning each patient to the pharmacist;

(b) report, in a timely manner, any abnormal values to the pharmacist and prescribing practitioner;

(c) ensure that each patient complies with and adheres to the home infusion regimen;

(d) design, document and follow a systematic process of medication use review on an ongoing basis;

(e) prepare and document a medication profile;

(f) monitor and assess each patient's ongoing drug therapy and at a minimum, document for each patient:

(i) the initial assessment, including appropriateness of the dose, frequency, route of administration, and relevant medical history;

(ii) the clinical progress notes and on-call and after hours activity;

(iii) the drug stability, and osmolarity and compatibility, when appropriate;

(iv) the clinical laboratory or clinical monitoring methods to detect side effects, toxicity, or adverse effects and whether the findings have been reported to the pharmacist and prescribing practitioner;

(v) the monthly clinical therapy summary for any patient receiving services 30 days or longer; and

(vi) the discharge summary of therapy at the end of treatment.

(2) The licensed health care professional providing skilled nursing services shall:

(a) provide those services in accordance with the plan of care;

(b) dictate or write clinical notes at the time of service. Clinical notes must be signed, recorded and incorporated into the patient's home care record within 3 working days of providing the service;

(c) assist in coordinating all services provided; and

(d) notify the pharmacist, the prescribing practitioner, and the home infusion therapy agency's personnel responsible for the care of the patient, of any significant changes in the patient's condition.

(3) Any sterile product administered for the first time must be administered under the supervision of a licensed health care professional to detect, monitor, and respond to adverse drug reactions.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE VI] HOME INFUSION THERAPY: EDUCATION SERVICES

(1) Each home infusion therapy agency, in consultation with any contracted parties, if applicable, shall:

(a) provide the patient or the patient's caregiver with education and counseling on proper storage, scheduling, and risks associated with specific drugs and infusion therapy in general, and document the counseling sessions in the patient's home care record; and

(b) reassess on an ongoing basis, the patient's competency or the patient's caregiver's competency, in managing home infusion therapy in the home environment and document the reassessment process in the patient's home care record.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE VII] HOME INFUSION THERAPY: HOME CARE RECORD

(1) Each home infusion therapy agency, in consultation with any contracted parties, if applicable, shall establish and

maintain for each patient accepted for care, a home care record which must include the following information:

(a) admission data, including the:

(i) name;

(ii) current address;

(iii) date of birth;

(iv) sex;

(v) date of admission;

(vi) name, address and telephone number of the patient's caregiver or family member;

(vii) name, address and telephone number of the pharmacist-in-charge and the prescribing practitioner; and

(viii) admission diagnosis or pertinent health information.

(b) a notation of patient conditions and diagnoses which are relevant to the plan of care;

(c) any allergies and known adverse reactions to drugs and food. This information must be given such prominence in the record so as to make it obvious to any persons who provide food or medication to the patient;

(d) laboratory reports, if applicable; and

(e) documentation that a list of patient rights and responsibilities have been made available to each patient or the patient's caregiver.

(2) The responsibilities of the patient, the home infusion therapy agency, including any contracted parties, and the prescribing practitioner, in the areas of delivery of care and monitoring of the patient, must be clearly documented in the patient's home care record.

(3) The home infusion therapy agency, in consultation with any contracted parties, if applicable, shall develop a plan of care within 3 working days of the initiation of therapy, which must include:

(a) a diagnosis;

(b) the types of services and equipment required;

(c) the access device and route of administration;

(d) the length of service;

(e) a statement of treatment goals;

(f) the regimen and prescription ordered;

(g) the concurrent legend and over the counter drugs;

(h) an assessment of mental status;

(i) permitted activities;

(j) the prognosis, discharge, transfer or referral plan; and

(k) instructions to patient and family.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE VIII] HOME INFUSION THERAPY: QUALITY ASSESSMENT

(1) Each home infusion therapy agency, in consultation with any contracted parties, if applicable, shall develop and

implement a system of reviewing and evaluating the appropriateness and effectiveness of patient services and the correction of deficiencies. At a minimum, the quality assessment system must:

(a) consist of an annual review of overall provider functions and a semiannual review of selected patient clinical records; and

(b) be reviewed and evaluated by a team composed of, at a minimum, a pharmacist-in-charge, a licensed health care professional, and a licensed health care professional not affiliated with the home infusion therapy agency. The evaluation will be ongoing, including sampling not initiated solely in response to a problem.

(2) The annual review of provider function must be an organized, effective and documented evaluation. At a minimum, the evaluation must include a review of the:

(a) administrative policies and procedures;

(b) personnel policies;

(c) safety management;

(d) emergency preparedness policies;

(e) clinical program policies and procedures; and

(f) durable medical equipment maintenance and procedures.

(3) The semiannual review of patient clinical records must be:

(a) both concurrent and retrospective; and

(b) performed against preset criteria of practice for each discipline providing care. Criteria of practice must include:

(i) the appropriateness of the level of care provided to protect the health and safety of patients;

(ii) the timeliness of the provision of care;

(iii) the adequacy of the care to meet the patient's needs; and

(iv) the appropriateness of the specific services provided.

(4) Each home infusion therapy agency, in consultation with any contracted parties, if applicable, shall develop and implement a quality assessment plan. The plan must include:

(a) a method for reporting results and a mechanism for taking follow-up action;

(b) patient and caregiver and licensed health care professional satisfaction surveys; and

(c) methods to document medication errors and incident reporting and adverse drug reactions.

(5) Each home infusion therapy agency, in consultation with any contracted parties, if applicable, shall establish, document, and audit at regular, planned intervals, quality control procedures. Quality control procedures must be evaluated on an ongoing basis. At a minimum, quality control procedures must include:

(a) drug or product recall procedures;

(b) documentation of storage, stability, and expiration dates;

(c) documentation of equipment functioning and maintenance (such as daily refrigerator temperature logs, records for cleaning, maintenance and calibration of infusion devices);

(d) certification of laminar flow hoods and biological safety cabinets by an independent contractor, according to national sanitation foundation standard 49, for operational efficiency at least every 12 months. Appropriate records must be maintained to document certification;

(e) documentation of assessment of sterile technique performed by pharmacy personnel; and

(f) procedures for suspected microbial contamination of sterile products.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE IX] HOME INFUSION THERAPY: PARENTERAL OR ENTERAL SOLUTIONS (1) In addition to the minimum requirements for a pharmacist and a pharmacy established by Title 37, chapter 7, MCA, and ARM Title 8, chapter 40, any parenteral or enteral solution compounded by the home infusion therapy agency or obtained through contract with a third party pharmacy and provided to patients of the home infusion therapy agency must be prepared by a licensed pharmacist in a licensed pharmacy, whom and which are in compliance with the requirements of [RULE X through RULE XVII] in this sub-chapter.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE X] HOME INFUSION THERAPY: PHARMACY POLICY AND PROCEDURE MANUAL (1) The pharmacy shall develop a policy and procedure manual relating to sterile products and home infusion therapy. The manual must be available for inspection at the pharmacy.

(2) The pharmacist-in-charge shall review and revise the manual on an annual basis.

(3) The manual must specifically detail the storage, stability, handling, compounding, labeling, dispensing and delivery of all sterile pharmaceuticals and address requirements relating to:

(a) security measures, which ensure that the premises where sterile pharmaceuticals are present are secured, and which prevent access to patient records by unauthorized personnel;

(b) sanitation, including the methodology of cleaning biological safety cabinets and laminar flow hoods, and of inspecting filters for deterioration and microbial contamination;

(c) the annual certification of safety cabinets and laminar floor hoods;

(d) the orientation of personnel;
(e) the duties and qualifications of staff;
(f) record keeping requirements;
(g) medication profiles;
(h) the administration of parenteral therapy to include infusion devices, drug delivery systems and first dose monitoring;
(i) the pharmacy patient evaluation and documentation;
(j) prescription processing;
(k) clinical services;
(l) drug and product selection;
(m) 24 hour emergency access to a pharmacist;
(n) the handling of antineoplastic agents;
(o) drug destruction, returns, and proper waste management;
(p) equipment management, including tracking, cleaning, and testing of infusion pumps;
(q) end product testing;
(r) a quality assessment program;
(s) a risk management program including incident reports, adverse drug reactions, product contamination, and drug recalls;
(t) education and training of the patient or the patient's caregiver;
(u) emergency drug and supply procurement;
(v) guidelines for handling investigational drug administration;
(w) reference materials; and
(x) an emergency preparedness plan.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE XI] HOME INFUSION THERAPY: PHYSICAL REQUIREMENTS FOR PHARMACIES (1) The pharmacy must have a designated area with entry restricted to designated personnel for preparing sterile products. This area must be:
(a) a separate room with a closed door, isolated from other areas with restricted entry or access, and designed to avoid unnecessary traffic and airflow disturbances from activity within the controlled facility;
(b) used only for the preparation of sterile pharmaceuticals;
(c) of sufficient size to accommodate a laminar airflow hood and to provide for the proper storage of drugs and supplies under appropriate conditions of temperature, light, moisture, sanitation, ventilation, and security; and
(d) one with cleanable work surfaces, walls and floors.
(2) The pharmacy preparing the sterile products must have:
(a) appropriate environmental control devices capable of maintaining at least a class 100 environment in the workplace where critical activities are performed. The devices must be

capable of maintaining class 100 conditions during normal activity. Examples of appropriate devices include laminar airflow hoods and zonal laminar flow of high efficiency particulate air filtered air;

(b) appropriate disposal containers for used needles, syringes, etc., and if applicable, for antineoplastic waste from the preparation of antineoplastic agents and infectious wastes from patients' homes;

(c) appropriate biohazard cabinetry when antineoplastic drug products are prepared;

(d) temperature controlled delivery containers, when appropriate;

(e) infusion devices, when appropriate;

(f) a sink with hot and cold running water which is convenient to compounding area for the purpose of hand scrubs prior to compounding; and

(g) a refrigerator/freezer with a thermometer.

(3) The pharmacy shall maintain supplies and provide attire adequate to maintain an environment suitable for the aseptic preparation of sterile products.

(4) The pharmacy shall maintain sufficient current reference materials relating to sterile products to meet the needs of the pharmacy personnel. Reference materials must contain information on stability, incompatibilities, mixing guidelines, and the handling of antineoplastic products.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE XII] HOME INFUSION THERAPY; DISPENSING OF STERILE PHARMACEUTICALS (1) The pharmacy shall maintain a record of each sterile pharmaceutical dispensed for at least 2 years after the last dispensing activity. This record must include, but not be limited to:

(a) the products and quantity dispensed;

(b) the date dispensed;

(c) the prescription identifying number;

(d) the directions for use;

(e) the identification of the dispensing pharmacist and preparing pharmacy technician, if appropriate;

(f) the manufacturer lot number and expiration date, stability date (or recall policy if the lot number is not recorded);

(g) the compounding or special instructions, if applicable; and

(h) the next scheduled delivery date.

(2) All records of dispensed sterile pharmaceuticals must be made a part of the patient's home care record.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE XIII] HOME INFUSION THERAPY: PHARMACY PERSONNEL

(1) The pharmacist-in-charge must be trained in the specialized functions of preparing and dispensing compounded sterile products, including the principles of aseptic technique and quality assurance. This training may be obtained through residency training programs, continuing education programs, or experience in an intravenous admixture facility.

(2) The pharmacist-in-charge shall be responsible for:

(a) the purchasing, storage, compounding, repackaging, dispensing, and distribution of all sterile products;

(b) the development and continuing review of all policies and procedures, training manuals, and quality assessment programs;

(c) providing written education material to the patient or the patient's caregiver, with respect to:

(i) drug information sheets for prescribed therapy;

(ii) compounding, admix technique, adding medications to solutions, withdrawing medications from vials, etc.;

(iii) function, operation, and troubleshooting durable medical equipment when prescribed; and

(iv) supplies and training for safe and proper handling and disposal of antineoplastic, infectious, and hazardous waste.

(d) All written education material provided to the patient or the patient's caregiver must be made a part of the patient's home care record.

(3) For each pharmacy, a pharmacist must be accessible by phone and able to dispense, if necessary, and to respond to patients' and other health professionals' questions and needs, 24 hours per day, 7 days per week.

(4) The pharmacist-in-charge may be assisted by supportive personnel. These personnel must have specialized training in the field of home infusion therapy, and must work under the immediate supervision of a licensed pharmacist. The training provided to these personnel must be described in writing in a training manual. The duties and responsibilities of these personnel must be consistent with their training and experience.

(5) Pharmacy personnel shall document orientation procedures, competency assessments, and continuing education of professional and nonprofessional staff.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE XIV] HOME INFUSION THERAPY: LABELING

(1) Parenteral pharmaceuticals dispensed to patients must have a permanent label with the following information:

(a) the name, address, and phone number of the pharmacy including a phone number which provides access to a pharmacist 24 hours per day, 7 days per week;

(b) the date the product was prepared;

(c) the prescription identifying number;
(d) the patient's full name;
(e) the name of the prescribing practitioner;
(f) the directions for use including infusion rate and infusion device, if applicable;
(g) the name of each component, its strength and amount;
(h) the expiration date of the product based on published data;
(i) the appropriate ancillary instructions such as storage instructions or cautionary statements including antineoplastic warning when applicable; and
(j) the identity of the pharmacist compounding and dispensing the product.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE XV] HOME INFUSION THERAPY: ANTINEOPLASTIC DRUGS (1) The following requirements must be met by those pharmacies that prepare antineoplastic drugs to ensure the protection of the personnel involved:
(a) All antineoplastic drugs must be compounded in a vertical flow, Class II, biological safety cabinet;
(b) Protective apparel must be worn by personnel compounding antineoplastic drugs. This must include gloves, gowns with tight cuffs, and appropriate equipment as necessary;
(c) Appropriate safety and containment techniques for compounding antineoplastic drugs must be used in conjunction with the aseptic techniques required for preparing sterile pharmaceuticals;
(d) Written procedures for handling both major and minor spills of antineoplastic agents must be included in the policy and procedure manual; and
(e) Prepared doses of antineoplastic drugs must be dispensed, labeled with proper precautions inside and outside, and shipped in a manner to minimize the risk of accidental rupture of the primary container.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE XVI] HOME INFUSION THERAPY: DISPOSAL OF ANTINEOPLASTIC, INFECTIOUS, AND HAZARDOUS WASTES (1) Disposal of antineoplastic, infectious and hazardous waste is governed by the infectious waste management act, Title 75, chapter 10, part 10, MCA.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

[RULE XVII] HOME INFUSION THERAPY: DELIVERY OF MEDICATIONS (1) The pharmacist-in-charge shall ensure that medications are timely delivered so that the prescription for sterile pharmaceuticals can be implemented without undue delay. Once therapy has been initiated, the pharmacy shall continue to provide sterile pharmaceuticals in a timely fashion so as not to interrupt ongoing therapy.

(2) The pharmacist-in-charge shall ensure the environmental control of all products shipped. All compounded, sterile pharmaceuticals must be shipped or delivered, other than those compounded in an institutional setting, to a patient in appropriate, temperature-controlled (as defined by the United States Pharmacopeia/National Formulary) delivery containers and stored appropriately in the patient's therapy setting.

(3) Patients must be notified in advance of delivery of the products. Patients must be provided with a receipt for all sterile products and supplies delivered to them.

(4) The pharmacy shall document a chain of possession for all controlled substances.

AUTH: 50-5-103, MCA
IMP: 50-5-103 and 50-5-213, MCA

3. The 1995 legislature, through House Bill 301, added home infusion therapy agencies to that list of health care facilities in 50-5-101(17), MCA, which are required to be licensed by the Department of Public Health and Human Services. The adoption of new rules I through XVII are necessary to specify the licensing requirements and procedures for home infusion therapy agencies.

Pursuant to 50-5-213, MCA, a home infusion therapy agency is required to provide either the home infusion therapy services or skilled nursing services and may either directly provide or may arrange for the provision of the other services. Accordingly, the rules impose requirements relating to skilled nursing services and home infusion therapy services. Home infusion therapy services, defined under 50-5-101(21), MCA, means the preparation, administration, or furnishing of parenteral medications or parenteral or enteral nutritional services to an individual in that individual's residence. The rules therefore specify those requirements that must be met by a pharmacist and pharmacy with respect to any parenteral or enteral solutions compounded by the home infusion therapy agency or obtained through contract with a third party pharmacy and provided to patients of the home infusion therapy agency.

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

5. 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 Laura Harden, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 202951, Helena, MT 59620-2951, no later than, May 3, 1996.

Rule Reviewer

Director, Public Health and Human Services

Certified to the Secretary of State March 25, 1996.

BEFORE THE DEPARTMENT
OF PUBLIC SERVICE REGULATION
OF THE STATE OF MONTANA

In the Matter of the Proposed Adoption of a Rule Pertaining to the Content of Certain Motor Carrier Receipts.	)	NOTICE OF PROPOSED ADOPTION OF RULE I
	)	NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On May 9, 1996 the Department of Public Service Regulation proposes to adopt the rule identified in the above title and described in the following paragraph and related to the content of certain motor carrier receipts.

2. The rule proposed for adoption provides as follows:

RULE I. RECEIPT CONTENT (1) For purposes of this rule, "receipt" has its common meaning and also includes a bill of lading, trip ticket, log sheet, and like documents or records evidencing a transportation movement.

(2) When a commission-regulated motor carrier provides a receipt to a shipper or a passenger or maintains a receipt for its own records, whether required by law to do so or does so as a matter of policy, the receipt shall include sufficient information that the commission can readily determine that charges are in accordance with the motor carrier's tariffs and that the movement is within the scope of the motor carrier's authority. Auth: Sec. 69-12-201, MCA; IMP, Sec. 69-11-421, 69-12-203, MCA

3. Rationale: The rule is reasonably necessary to assist the Commission in verifying carrier compliance with tariffs and scope of authority during audits and enforcement.

4. Interested parties may submit their data, views or arguments concerning the proposed adoption in writing (original and 10 copies) to Martin Jacobson, Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601 no later than May 9, 1996.

5. If a person who is directly affected by the proposed adoption wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has (original and 10 copies) to Martin Jacobson, Public Service Commission, 1701 Prospect Ave-

nue, P.O. Box 202601, Helena, Montana 59620-2601, no later than May 9, 1996.

6. If the agency receives requests for a public hearing on the proposed adoption from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed adoption; from the Administrative Code Committee of the legislature; from a governmental subdivision or agency; or from an association having 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 directly affected has been determined to be 15 based on an estimate of 150 regulated motor carriers to which the rule will apply.

7. The Montana Consumer Counsel, 34 West Sixth Avenue, P.O. Box 201703, Helena, Montana 59620-1703, (406) 444-2771, is available and may be contacted to represent consumer interests in this matter.

Nancy McGuffee, Chair

CERTIFIED TO THE SECRETARY OF STATE MAY 25, 1996.

Reviewed By Robin A. McHugh

BEFORE THE MONTANA DEPARTMENT OF AGRICULTURE
STATE OF MONTANA

In the matter of the emergency adoption of a rule imposing a quarantine on the importation of grain into Montana	))))	NOTICE OF EMERGENCY ADOPTION

TO: All Interested Persons

1. On or about March 12, 1996, the State of Arizona advised the Montana Department of Agriculture that the wheat disease Karnal bunt had been detected in certain varieties of durum wheat seed imported into Montana for planting in 1996. Karnal bunt is a crop damaging wheat disease that not only causes damage to wheat crops but also places at risk the ability of Montana producers to produce and sell their wheat crops. In order to protect Montana wheat production areas from Karnal bunt, and because countries importing wheat from the United States can and have refused to buy wheat from areas that have confirmed infestations of Karnal bunt and because emergency quarantines have been imposed on farms in the United States that have been identified as producing durum wheat infested with Karnal bunt, the department finds it necessary to impose this quarantine.

While the department is currently engaged in measures which will stop the movement of any of the infested wheat that has entered Montana, such measures must be accompanied by this quarantine to prevent any further introduction of grain that may be carrying the disease.

This quarantine will require any grain originating in areas infested with Karnal bunt to be officially sampled, tested and certified as not containing Karnal bunt.

2. This emergency rule will be effective on March 20, 1996.

3. The text of the emergency rule is as follows:

RULE I QUARANTINE ON IMPORT OF GRAIN INTO MONTANA (1) Except as provided in (2) below, no person, firm, corporation or other entity shall import, plant, receive for delivery or otherwise accept or bring into the state of Montana from any Karnal bunt infested area designated by the USDA, the country or state of origin or by the department, any grain as defined in 80-4-402(9), MCA.

(2) The quarantine imposed in (1) above does not apply when the importation or receipt of delivery of grain is done under the following conditions:

(a) that the grain is officially sampled at the state or country of origin and tested by an official laboratory approved by the state or country of origin, and found to be free from Karnal bunt. These procedures shall follow all accepted phytosanitary certification standards, and shall occur prior to shipment into the state of Montana.

(b) each shipment shall be accompanied by a phytosanitary certificate stating compliance with this quarantine.

(3) The quarantine does not apply to grain being transported in enclosed containers through Montana in interstate or international commerce.

(4) Any person who violates the provisions of this quarantine shall be subject to civil penalties under the provisions of 80-7-135, MCA and to such other remedies as the department may determine appropriate including injunction and orders to quarantine, export, treat with fungicides or destroy any such grain.

Auth: Sec. 80-7-121, MCA; Imp, Sec. 80-7-121, MCA

4. The department adopts this rule as an emergency measure because it finds that the potential movement of Karnal bunt into Montana presents imminent peril to the public health, safety or welfare. As noted in 1. above, the department has documented that some durum seed infested by the disease has moved into Montana. While the department has taken emergency measures to stop the movement of such infested seed, it recognizes that grain movement and marketing is occurring on a daily basis. Therefore, to ensure that infested grain will not enter Montana the department finds it necessary to make this quarantine effective immediately.

5. If the department determines it is necessary to perpetuate this quarantine, a standard rule making procedure will be undertaken prior to the expiration of this emergency rule.

6. Interested persons are encouraged to submit their data, views and arguments at this time or during any such upcoming standard rule making process. Such comments should be made to the Montana Department of Agriculture, P.O. 200201, 303 N. Roberts, Helena, MT 59620-0201, (406) 444-3144, attention Ralph Peck.

W. Ralph Peck
Director

Timothy J. Meloy
Attorney, Montana Department of Agriculture
and Designated Rule Reviewer

Certified to the Secretary of State, March 20, 1996

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the adoption of new rule I (4.12.1432) and amendment to ARM 4.12.1431	))))))	NOTICE OF ADOPTION OF A NEW RULE PERTAINING TO THE SPREAD OF LATE BLIGHT DISEASE OF POTATOES AND AMENDMENT TO THE CIVIL PENALTIES - MATRIX

TO: All interested persons:

1. On January 11, 1996, the Department of Agriculture published a notice of proposed amendment and adoption of the above stated rules at page 3 of the 1996 Montana Administrative Register, issue number 1.

2. The department has adopted new rule I (4.12.1432) pertaining to late blight disease and amended ARM 4.12.1431 pertaining to civil penalties as proposed with the following changes (stricken material is interlined; new matter is underlined).

RULE I (4.12.1432) PREVENTING SPREAD OF LATE BLIGHT DISEASE OF POTATOES (SOLANUM TUBEROSUM L.) (1) through (a) same as proposed.

(b) "Late blight" means the late blight disease of potato caused by the fungus ~~Phytophora~~ Phytophthora infestans.

(c) same as proposed.

(2) No individual, firm or nursery shall import regulated articles into Montana ~~except~~ under the following conditions:

(a) Seed potatoes or potato plants:

(i) are produced as certified seed potatoes in the state or country of origin and are certified;

(ii) are inspected in the storage warehouse and no late blight is found in the lot; and

(iii) are inspected at the shipping point and no late blight is found.

(b) Tomato plants:

(i) are produced in greenhouses not containing other unprotected, susceptible plant materials;

(ii) are treated with a registered fungicide from the time the tomato seedlings produce their first pair of true leaves following a schedule recommended by the state's cooperative extension service, satisfactory to state plant regulatory officials, for late blight disease control;

(iii) are inspected prior to shipment and found free from late blight disease; and

(iv) are packed at the point of origin.

(3) States may apply to the department for an exemption from the requirements for tomato plants based on climatic conditions, seasonal occurrence of late blight, and shipping dates that preclude late blight infection.

(4) Each shipment of regulated articles into Montana must be accompanied by an official certificate issued by the

government regulatory agency responsible for phytosanitary certification stating that the shipment meets the requirements of this rule. The regulatory agency will follow accepted phytosanitary procedures in assuring that the conditions of this rule are met.

(5) No individual, firm or nursery shall sell or plant in any location in Montana or move within Montana any regulated articles that were imported into Montana in violation of this rule.

(6) The provisions of this rule do not apply to regulated articles being transported in enclosed containers through Montana in interstate or international commerce.

(3) same as proposed but renumbered (7).

(~~4~~8) The provisions of (2), ~~and~~ (~~3~~5) and (7) do not apply to any unit of the Montana university system when importing into Montana potato seeds or plants or tomato plants for research, propagation, or education. Such plant materials must be certified free of late blight disease prior to import into Montana or must be placed in a Montana university system quarantine facility.

(~~5~~9) ~~Volunteer potatoes growing in any location and potato plants growing in cull piles shall be rendered nonviable.~~ All cull tubers must be disposed of and rendered nonviable by June 1 of each year.

(6)(a) - (c) same as proposed but renumbered (10)(a) -(c).

(7) same as proposed but renumbered (11).

(~~8~~12) Any individual, firm or nursery that ~~purposely, knowingly, or negligently~~ violates or aids in the violation of this rule or a quarantine order shall be in violation and subject to penalties provided by 80-7-135, MCA.

(9) same as proposed but renumbered (13).

AUTH: 80-7-121, MCA IMP: 80-7-121, MCA

4.12.1431 CIVIL PENALTIES - MATRIX

	1st Offense	2nd Offense	Subsequent Offenses
(1)(a) through (c) same as proposed.			
(d) ~~Willfully or intentionally~~ Ddistributing plant materials that are infected or infested with a plant pest dangerous to interests in Montana.	$500	$750	$1,000
(e) same as proposed.			
(f) ~~Purposely, knowingly or negligently v~~violate or aid in violation of a statute, rule, order, or quarantine not otherwise stated above.	$500	$750	$1,000

AUTH: 80-7-135 MCA IMP: 80-7-135 MCA

3. The department has thoroughly considered all comments and testimony received to new rule I (4.12.1432) and amendments

to ARM 4.12.1431. Those comments, and the responses are as follows:

COMMENT 1: Concern that the quarantine would cause serious economic disadvantage and interrupt current supply sources and availability of varieties: (20 comments)
RESPONSE: The department agreed that such a quarantine could cause the results that the concerns anticipated. The department has therefore modified the proposal in this adoption so that the concerns can be addressed, while at the same time the introduction and movement of late blight can be regulated by phytosanitary measures. Thus the rule allows for the importation of seed potatoes and tomatoes into Montana, if certain certification and other restrictions are met.

COMMENT 2: Concern that there was lack of notice or timely notice as to proposed quarantine and/or lack of opportunity for public comments: (7 comments)
RESPONSE: The department, when it published its notice of proposed adoption in the Montana Administrative Register, did follow all applicable statutory notice requirements. Further, at the time of publication or shortly thereafter, the department in accordance with its procedural rules submitted a press release to a statewide wire service and sent out copies of the notice to all licensed nurseries, produce dealers, certified seed potato growers, legislators in certified seed producing counties and others. When the department became aware of the interest of neighboring state governments and nurseries in those states, it immediately provided to them copies of the proposal, answered their questions, and received and reviewed their written comment. The department then invited those commenters and those who had submitted comments earlier to a public meeting, held and received comments at that meeting and considered those and other comments up to the time of this adoption.

COMMENT 3: Concern that quarantine is not necessary mainly because there is little likelihood that late blight exists in greenhouse grown tomato plants and/or lack of scientific data that late blight exists in greenhouse grown tomatoes or that it is found on tomatoes at all: (5 comments)
RESPONSE: Many solanaceous plants, including tomatoes grown out-of-doors or in greenhouses, are proven hosts for the pathogen (*Phytophthora infestans*) that causes late blight disease. While there is some indication that certain strains of the fungus are less pathogenic to tomatoes, no current research shows that these strains will not host and carry the fungus. The department feels that including tomatoes in the quarantine will limit a possible source of the fungal pathogen.

COMMENT 4: Concern that quarantine is not necessary because of the availability of field inspections, certification of late blight free plants, shipping point inspections, and phytosanitary inspection certificates: (10 comments)

RESPONSE: These comments have been considered and provisions implemented by amending the rules. The certification of regulated articles to be free of late blight through these procedures will now allow movement into Montana.

COMMENT 5 Concern that the quarantine is not necessary mainly because late blight already exists in Montana and/or there is no guarantee that Montana seed stock is late blight free: (4 comments)
RESPONSE: The first recorded detections of late blight in Montana occurred in late summer of 1995 in Ravalli, Lake, and Flathead Counties. Current scientific information indicates that fungal spores from these detections will not overwinter outdoors in Montana because they are killed by winter cold. The spores require living tissue to survive and survive on diseased tubers in storage. Diseased tubers can cause spread of the infestation. Procedures are being taken by farmers and monitored by the department to assure that tubers infected during the 1995 outbreak do not spread late blight in 1996. These procedures include destruction of diseased, culled or left over potatoes and decontamination of cellars. These procedures combined with climatic conditions in Montana lend to elimination of late blight or assist in preventing late blight in Montana.

The department agrees that there is no guarantee that Montana seed stock is late blight free; however, Montana up to now has a low incidence of late blight compared to other potato growing areas in the United States. Further, Montana-grown certified seed potatoes have a low risk of carrying late blight because of the conditions for certification. To be certified in Montana, potatoes must meet rigorous standards for disease freedom and varietal purity. While the certification program in 1995 did not include standards for late blight, the department is confident that the combination of required field inspections and tuber testing resulted in detections of late blight and growers have and are continuing to take steps through the certification program to minimize late blight in certified seed.

COMMENT 6 Concern that the quarantine will not be effective mainly because late blight is carried or influenced by weather patterns or other means: (5 comments)
RESPONSE: While transport by wind is one of the methods of spread of the potato late blight pathogen, a key method of spread is from the importation of infected potato seed and tomato seedlings. The quarantine is designed to stop this source of inoculum from entering the state.

COMMENT 7 Concern that the quarantine is not necessary because late blight can be managed by the grower using organic methods, crop rotation, and disinfecting or planting methods and fungicides: (6 comments)
RESPONSE: Proper disease management of potatoes is critical to the success of a potato late blight program. One key component

of any integrated management approach is prevention. The quarantine is designed to be used as the prevention component of the program and limit introduction of inoculum from infested areas.

COMMENT 8 Concern that the quarantine is not necessary because late blight is not a problem if tomatoes are grown from a sterile medium: (2 comments)
RESPONSE: There is no data to indicate that use of sterile media will halt the late blight fungus. Overwintering spores are not currently known to occur in the United States. Any fungus found in media would be associated with living plant materials. Other cultural methods, such as destruction of overwintering hosts and potato cull piles, would destroy plant materials in the soil and would be more effective than mandating the use of sterile media. Infection of tomatoes could occur from spores produced by infected hosts and carried by wind and water to tomato seedlings.

COMMENT 9 Concern that the quarantine is not necessary if consideration is given where seed is grown in areas where no known late blight occurs: (3 comments)
RESPONSE: The amended rules allow importation of seed potatoes through the process of seed potato certification, storage warehouse inspections and shipping point inspections with no late blight being found. This definable process should be no problem for seed potatoes grown in an area where it is believed that no late blight occurs.

COMMENT 10 Concern that the quarantine is not necessary because only certified seed potatoes are purchased: (1 comment)
RESPONSE: The mechanism of seed potato certification alone may not preclude all introductions of late blight. Certification programs may not address late blight or may allow a level of infection that is not acceptable to Montana. By the amendments to this rule, seed potatoes will have to be inspected and found free of late blight and so stated on the shipping documents.

COMMENT 11 Comment specifically directed at Rule I., subparagraph (5) of the rule which required rendering volunteer potatoes non-viable; the objection argued that volunteers growing in fields were difficult to control when they grew in fields that were replanted with small grains or other crops: (1 comment)
RESPONSE: The department agrees that volunteer potato plants are difficult to control and would require the application of herbicides of doubtful efficacy or expensive and time consuming weeding. Such a requirement would be difficult or impossible to comply with. Therefore, subparagraph (5) of the proposed rule (subparagraph 9 in the final rule) is amended to delete any reference to rendering volunteer potatoes non-viable. The requirement for cull tubers is retained, but amended so that cull tubers are disposed of and rendered non-viable by June 1 of each year which is consistent with the Montana State

University rules for certifying seed potatoes.

COMMENT 12 Tomato seedlings are grown, sold, and shipped prior to the date that late blight is normally found: (2 comments)
RESPONSE: The department agrees that, in some instances, tomatoes are packed and shipped from the origin prior to the onset of infectious late blight. This date is related to the emergence of culls and volunteers, and varies depending upon the climate of the originating location. Montana receives tomatoes from a variety of locations including southern latitudes and the date of the onset of late blight varies with the location. The department was unable to determine a single date prior to which it would be safe to ship tomatoes to Montana without phytosanitary controls. However, to accommodate the concern, the department has added subparagraph (3) which allows regulatory agencies to apply for an exemption to the restrictions on tomatoes based on area climate, the onset of late blight, and shipping dates. The department will require scientific data on the date of onset of late blight prior to granting an exemption.

COMMENT 13 To enforce the quarantine as written would be cost prohibitive: (2 comments)
RESPONSE: While the department has not added staff to enforce this quarantine, reasonable enforcement can be accomplished with existing staff during activities that are now being accomplished. These activities include routine inspections of nurseries, greenhouses, produce dealers, and seed dealers and they provide an opportunity to check potato seeds and tomato plants being imported into Montana for compliance with this rule. The department will also investigate all citizen reports of violations of the rule. The department also concludes that education is an important component to assure compliance, and educational efforts are underway by the department, university system, and potato growers' association to inform the public of the need for and provisions of this rule.

COMMENT 14 The quarantine should carry an exemption for tissue culture varietals or gene pool proliferation by groups: (1 comment)
RESPONSE: The rules provide for an exemption for Montana State University (MSU). Private groups can work with MSU staff on their tissue culture or gene pool proliferation plants.

COMMENT 15 The quarantine should reconsider geographic boundaries to exempt areas where seed potatoes are not grown: (several comments)
RESPONSE: Careful and thorough consideration was given to the geographic boundaries that should be affected by a quarantine. The department concluded that all of Montana should be protected rather than just certified potato growing areas. This will provide protection to greenhouses, truck farmers, gardeners, and commercial potato growers; and it provides a simple regulatory scheme. These amendments will maintain the

integrity of the entire state by keeping the boundary at the statewide level. The protection to the entire state is therefore maintained and access to regulated articles of late blight free quality will be available to all.

COMMENT 16 The proposed quarantine does not follow accepted quarantine principles and phytosanitary procedures: (several comments)
RESPONSE: While the department is unsure as to the specific principles or procedures to which the commenters refer, we believe that the rule-making process and the content of the proposed and final rule not only followed accepted quarantine principles and phytosanitary procedures, but also complied with the authorities, responsibilities, and limitations imposed by Montana statutes and rules and the procedures required by the Montana Administrative Procedure Act. The department attempted as much as possible to follow national and international phytosanitary procedures including those set forth in the "National Plant Board Plant Quarantine, Nursery Inspection, and Certification Guidelines" (1995) and the definitions of phytosanitary terms compiled by the North American Plant Protection Organization (1996).

DEPARTMENT OF AGRICULTURE

W. Ralph Peck, Director
Department of Agriculture

Timothy J. Meloy, Attorney
Rule Reviewer

Certified to the Secretary of State on the 25th day of March 1996

BEFORE THE STATE AUDITOR AND COMMISSIONER OF INSURANCE
OF THE STATE OF MONTANA

In the matter of the adoption of new rules implementing medicare select policies and certificates.	)))	NOTICE OF ADOPTION

TO: All Interested Persons.

1. On January 11, 1996, the state auditor and commissioner of insurance of the state of Montana published notice of public hearing of the proposed adoption of new rules implementing medicare select policies and certificates. The notice was published at page 9 of the 1996 Montana Administrative Register, issue number 1.

2. The agency has adopted new rules I(6.6.601), II(6.6.602), IV(6.6.604), V(6.6.605), VI(6.6.606), VII(6.6.607), VIII(6.6.608), IX(6.6.609), X(6.6.610), XI(6.6.611), XII(6.6.612) and XIV(6.6.614), exactly as proposed. The agency has adopted new rules III(6.6.603) and XIII(6.6.613) as proposed but with the following changes (matter to be stricken is interlined and new matter added is underlined):

RULE III AUTHORIZATION OF THE COMMISSIONER (1) The commissioner may authorize an issuer to offer a medicare select policy or certificate, pursuant to ARM 6.6.601 through 6.6.614 and section 4358 of the Omnibus Budget Reconciliation Act (OBRA) of 1990, if the commissioner finds that the issuer had satisfied all of the requirements of ARM 6.6.601 through 6.6.614 and at the discretion of the Commissioner has met the requirements of 33-22-901 through 33-22-924, MCA and ARM 6.6.501 through 6.6.522.

AUTH: 33-22-904 and 33-22-905, MCA
IMP: 33-22-901 through 33-22-924, MCA

RULE XIII PROVISION FOR CONTINUED COVERAGE
(1) same as proposed rule.
(2) In the event of the discontinuance of the medicare select insurance program by any entity, (including but not limited to the federal government, an insurer, an insurance company, health maintenance organization or health service corporation) the insured will have the option to continue medicare supplement insurance. The insured may select from any of the medicare supplement insurance plans then currently available with no restrictions or limitations.

AUTH: 33-22-904 and 33-22-905, MCA
IMP: 33-22-901 through 33-22-924, MCA

3. The agency has thoroughly considered the written comments received on the proposed new rules. The following is a summary of the comments received and the agency's response to the comments:

COMMENT: Regarding the application of the laws and regulations contained in 33-22-901 through 33-22-924, MCA and ARM 6.6.501 through 6.6.522 to the medicare select program, a provision should be added to allow for the application of the relevant portions of the MCA and the administrative rules for medicare supplement insurance.

RESPONSE: The agency concurs with this suggestion and has added the appropriate language.

COMMENT: Regarding the potential discontinuance of the medicare select program by any involved entity, a provision should be included in the rule to protect an insured by mandatory continuation of coverage to another medicare supplement product of the insured's choice.

RESPONSE: The agency concurs with this suggestion and has added the appropriate language.

Mark O'Keefe
State Auditor and
Commissioner of Insurance

By: _____
Frank Coté
Deputy Insurance Commissioner

Gary L. Spaeth
Rules Reviewer

Certified to the Secretary of State this 22nd day of March, 1996.

BEFORE THE BOARD OF OUTFITTERS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment, repeal and adoption of rules pertaining to the outfitting industry	))))	CORRECTED NOTICE OF AMENDMENT

TO: All Interested Persons:

1. On November 9, 1995, the Board of Outfitters published a notice of public hearing on the proposed amendment, repeal and adoption of rules pertaining to the outfitting industry, at page 2327, 1995 Montana Administrative Register, issue number 21. The Board published a notice of adoption of those rules, with changes, at page 668, 1996 Montana Administrative Register, issue number 5.

2. Subsections 8.39.518(1)(f) through (f)(iii) should have been identified as remaining the same as proposed in the adoption notice.

BOARD OF OUTFITTERS
O. KURT HUGHES, CHAIRMAN

BY: _____
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

_____
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, March 25, 1996.

BEFORE THE BOARD OF INVESTMENTS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the amendment, repeal and adoption of rules pertaining to the Municipal Finance Consolidation Program and the Montana Cash Anticipation Financing Program	) CORRECTED) NOTICE OF AMENDMENT))))

To: All Interested Persons:

1. On February 8, 1996, the Board of Investments published a notice of public hearing on the proposed amendment, repeal and adoption of rules pertaining to the Municipal Finance Consolidation Program and the Montana Cash Anticipation Financing Program, at page 360, 1996 Montana Administrative Register, issue number 3. The Board published a notice of adoption of the rules, with changes, at page 766, 1996 Montana Administrative Register, issue number 6.

2. ARM 8.97.717(2) should have been proposed as follows in the original notice:

"8.97.717 DESCRIPTION OF MUNICIPAL FINANCE CONSOLIDATION ACT PROGRAMS (1) same as proposed in original notice.

(2) The Act authorizes the board to ~~lend its credit for up to $50 million for its programs, except for its short term finance programs, which are excluded from this ceiling. The programs developed under the Act provide loans to local governments. The bonds which finance these programs are backed by the board through irrevocable agreements to lend monies and, if necessary, to replenish the bond reserves.~~

~~(3) The board may~~ periodically authorize, issue, and offer for sale its bonds in ~~an amount~~ amounts determined by the board to be sufficient to purchase obligations of ~~local~~ eligible government units ~~whose applications have been approved by the board pursuant to these rules,~~ to pay costs of issuance of such bonds and to fund the reserve fund, provided ~~for in ARM 8.97.723~~, however, that the total principal amount of outstanding bonds does not exceed the amount authorized by 17-5-1608, MCA.

(3) and (4) remains the same as proposed in the original notice."

3. The word "provided" should not have been underlined. The words "for in ARM 8.97.723" were inadvertently omitted in the original notice, but should have been stricken.

4. ARM 8.97.910(1) should have been amended as follows in the original notice:

"8.97.910 INTERCAP PROGRAM - PURPOSE (1) The ~~purpose of the INTERCAP program is to provide~~ board hereby creates its intermediate term capital program (INTERCAP) for providing loans for periods up to ten years ~~(unless specific enabling~~

~~legislation requires a shorter term) to local~~ to eligible government units that are authorized to participate in the program to finance equipment, vehicles, capital improvements and other needs, and to refinance outstanding ~~short term~~ indebtedness.

(a) remains the same as proposed in the original notice."

5. The comma inserted after the new language "equipment, vehicles" should have been underlined.

6. ARM 8.97.911 should have been amended as follows in the original notice:

"8.97.911 INTERCAP PROGRAM - ~~LOCAL~~ ELIGIBLE GOVERNMENT UNIT'S BORROWING AUTHORITY (1) and (1)(a) remains the same as proposed in the original notice."

7. The word "local" was inadvertently omitted from the original notice, but should have been stricken. The words "eligible" and "unit's borrowing" should have been double underlined as new language.

8. ARM 8.97.912 should have been amended as follows in the original notice:

""8.97.912 INTERCAP PROGRAM - ELIGIBILITY FOR PARTICIPATION ~~PROGRAM REQUIREMENTS~~ (1) remains the same as proposed in the original notice."

9. The language "; INTERCAP EZ" was inadvertently inserted and stricken in the catchphrase in the original notice. That language does not exist in the current rule.

BOARD OF INVESTMENTS
WARREN VAUGHN, CHAIRMAN

BY: _____
ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

_____
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, March 25, 1996.

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

In the matter of the amendment of a rule pertaining to seed capital technology loans	)))	CORRECTED NOTICE OF AMENDMENT

TO: All Interested Persons:

1. On October 26, 1995, the Science and Technology Development Board published a notice of proposed amendment of a rule pertaining to seed capital technology loans, at page 2204, 1995 Montana Administrative Register, issue number 20. The Board published an adoption notice of that amendment at page 548, 1996 Montana Administrative Register, issue number 4.

2. The adoption notice indicated that the rule was amended exactly as proposed. Subsection (4) should have been amended as follows: (the phrase "the applicant" should not have been underlined as it was existing language and the language "will be asked" should have been stricken, but was inadvertently omitted from the original notice)

"8.122.601 APPLICATION PROCEDURES FOR A SEED CAPITAL TECHNOLOGY LOAN - SUBMISSION AND USE OF EXECUTIVE SUMMARY

(1) through (3) will remain the same.

(4) Upon receipt, of the executive summary, ~~will be evaluated~~ the staff will evaluate the executive summary to determine whether the proposal complies with (2) above and the applicable statutory criteria. If the ~~board~~ staff determines that the executive summary meets these requirements, the summary and staff review will be provided to the board. The board may then direct the staff to request the applicant ~~will be asked~~ to submit a complete business plan and the proposal will ~~be~~ advanced to the threshold review phase. If the staff determines that the executive summary does not comply with (2) above and the applicable statutory criteria, the applicant will be so informed and the board will be notified of all applicants not meeting these requirements."

3. Replacement pages for this rule will be submitted on March 31, 1996.

SCIENCE AND TECHNOLOGY
DEVELOPMENT BOARD
REBECCA MAHARIN, CHAIRMAN

ANNIE M. BARTOS
RULE REVIEWER

BY: ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, March 25, 1996.

BEFORE THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF MONTANA

In the matter of the adoption of a new rule establishing refund percentages for PTO or auxiliary engines, amendment of rules 18.9.101 through 18.9.106, 18.9.108 through 18.9.111, 18.9.116 through 18.9.118, 18.9.201 through 18.9.205, 18.9.301 through 18.9.303, 18.9.311, 18.9.312, 18.9.321 regarding motor fuels and the repeal of rules 18.9.304 and 18.9.305	)))))))))))	NOTICE OF ADOPTION, AMENDMENT AND REPEAL OF RULES

TO: All Interested Persons.

1. On December 21, 1995, the Department of Transportation published notice of the proposed adoption of new Rule I establishing refund percentages for PTO or auxiliary engines and the amendment and repeal of other rules regarding motor fuels at page 2733 of the 1995 Montana Administrative Register, issue number 24.

2. At the public hearing held on this matter on January 26, 1996, in the auditorium of the Department of Transportation building in Helena, Montana, no public comments, testimony or exhibits were offered. Prior to the hearing two written comments were received concerning the amendment of 18.9.102, Distributor's Bonds. Following the hearing, two written comments were received concerning the amendment of this same rule.

3. The Department has adopted Rule I (18.9.306) as proposed, amended rules 18.9.101, 18.9.103 through 18.9.106, 18.9.108 through 18.9.111, 18.9.116 through 18.9.118, 18.9.201 through 18.9.205, 18.9.301 through 18.9.303, 18.9.311, 18.9.312, 18.9.321 as proposed and repealed rules 18.9.304 and 18.9.305.

4. The agency has amended Rule 18.9.102 with the following changes:

18.9.102 DISTRIBUTOR'S BOND (1) Gasoline, special fuel, or aviation fuel distributors must furnish the department of transportation a corporate surety bond executed by the distributor as principal with a corporate surety authorized to transact business in this state or other collateral security or indemnity. The total amount of bond or collateral security or indemnity ~~shall~~ must be equivalent to ~~at least the monthly average of the previous calendar year, (12 months from the date of request), not more than~~ twice the distributor's estimated

monthly gasoline, special fuel, or aviation fuel tax, ~~but never less than $2,000 and~~ in no case greater than $100,000, except as provided in ~~subsection~~ (3). The department will establish the bond amount on a distributor with less than 12 months prior history.

(2)(a)-(d) same as proposed rule.

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

AUTH: Sec. 15-70-104 MCA; IMP: Sec. 15-70-202 and 15-70-341 MCA

5. The following comments were received:

COMMENTS: A written comment was received from David Waatti, Vice-President of City Service in Kalispell, Montana, stating he favored measures that would correct non-payment, or late payment, of fuel taxes by distributors, however, the proposed rule amendment was a "blanket penalty" equally applicable to distributors who were timely in remitting the taxes they collected for the State.

A written comment was received from David Rutledge, Rutledge Distributing, Bozeman, Montana, stating many of the same concerns expressed in the correspondence from David Waatti and objecting to the elimination of the $100,000 bond limit.

A written comment received from William R. Nooney of Hi-Noon Petroleum, Missoula, Montana, stated the amendment is excessive and would greatly increase the cost of distributors doing business. He suggested the bonding requirement not be charged for distributors that are prompt in payment or, if the amendment is adopted, that the new requirement be phased in over a period of several years.

In a written comment received from Ronna Alexander, Executive Director of the Montana Petroleum Marketers Association, she stated the same concerns as the above individuals. She said the Department should exempt distributors with a three-year history of timely payment from the bonding requirements. An informal survey by MPMA determined 11 states do not require a bond for distributors who make full and timely payment of fuel taxes they collect.

RESPONSE: This particular rule was the only one that generated any comments. Because of the statutory requirement that each distributor shall submit security to the Department in an amount

to be determined by the Department, it is limited by a ceiling that the amount may not exceed twice the estimated amount of the tax due. The Department has proposed to insert that language in the rule. The statutory language does require every licensed distributor to file some security. While the Department has been delegated discretion to determine that amount, it is limited by the "may not exceed twice the estimated amount" provision of the statute. There was no indication in the legislative history of the statute, section 15-70-202, MCA, that requires minimum or maximum security provisions. Therefore, taking the comments of the presiding hearings officer and the four comments of the written statements, the Department will proceed to make the proposed changes as outline in this rule. No minimum amount will be included in the rule and the Department will only be limited by the ceiling of twice the estimated amount of fuel tax due as a provision for the bond. The Department will establish the bond amount of the distributor with less than 12 months of payment history. Further, the Department intends to review this matter and may submit legislation to the 1997 Legislature to consider revising the statutes relating to gasoline and special fuel tax bonds.

MONTANA DEPARTMENT OF TRANSPORTATION

By: _____
MARVIN DYE, Director

_____
Lyle Manley, Rule Reviewer

Certified to the Secretary of State March 21, 1996

BEFORE THE BOARD OF LAND COMMISSIONERS
OF THE STATE OF MONTANA

In the matter of the repeal of Rules 26.2.301 and 26.2.501 pertaining to rental and royalty charges on state land, 26.3.132, 26.3.154, 26.3.188 pertaining to surface management, 26.3.201 and 26.3.203 pertaining to sale of state land, 26.3.301, 26.3.303, 26.3.307, 26.3.308, 26.3.312 and 26.3.318 pertaining to oil and gas leases, 26.3.402 and 26.3.407 pertaining to geothermal resources, 26.3.501 through 26.3.518 pertaining to uranium leasing, and 26.3.602 pertaining to coal leasing on state land	NOTICE OF REPEAL

TO: All Interested Persons.

1. On December 21, 1995, the agency published notice of the proposed repeal of Rules 26.2.301 and 26.2.501 pertaining to rental and royalty charges on state land, 26.3.132, 26.3.154, and 26.3.188, pertaining to surface management, 26.3.201 and 26.3.203 pertaining to sale of state land, 26.3.301, 26.3.303, 26.3.307, 26.3.308, 26.3.312 and 26.3.318 pertaining to oil and gas leases, 26.3.402 and 26.3.407 pertaining to geothermal resources, 26.3.501 through 26.3.518 pertaining to uranium leasing, and 26.3.602 pertaining to coal leasing on state land, at page 2753 of the Montana Administrative Register, Issue No. 24. The rules proposed for repeal should have been published under the Board of Land Commissioners.

2. The Board has repealed the rules as proposed.

3. No comments were received.

BOARD OF LAND COMMISSIONERS
MARC RACICOT, CHAIR

BY: _____
ARTHUR R. CLINCH, DIRECTOR
DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

_____
DONALD D. MacINTYRE,
RULE REVIEWER

Certified to the Secretary of State on March 25, 1996.

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

In the matter of the emergency adoption of Rule I pertaining to families achieving independence in Montana (FAIM)	))))))	NOTICE OF EMERGENCY ADOPTION OF A RULE

TO: All Interested Persons

1. Federal regulations governing the Aid to Families with Dependent Children (AFDC) program at 45 CFR 233.20(a)(2)(i) require the Department to have assistance standards to determine the need of applicants and recipients of AFDC and the amount of the cash assistance they will receive. Eligibility and amount of assistance for applicants and recipients of AFDC in the Families Achieving Independence in Montana (FAIM) project are determined using the same assistance standards used in the traditional AFDC program as set forth in ARM 46.10.403.

When the rules governing the FAIM project were adopted, however, the department inadvertently failed to incorporate the tables of assistance standards contained in ARM 46.10.403 in the rules as intended. The adoption of an emergency rule providing assistance standards for the FAIM AFDC program is necessary because without such standards the department is out of compliance with the federal requirement set forth in 45 CFR 233.20(a)(2)(i), which could jeopardize federal funding for the FAIM project. Additionally, without such standards the department might be forced to grant assistance to persons other than the low income individuals AFDC is intended to serve. This could cause the department to exceed its appropriations for the FAIM AFDC program and to fail to comply with the cost neutrality condition of the federal waivers under which the FAIM project is being operated.

All of the foregoing reasons create an imminent peril to the public welfare. An emergency rule is necessary to rectify the situation as soon as possible.

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

[RULE I] FAIM: AFDC ASSISTANCE STANDARDS; TABLES; METHODS OF COMPUTING AMOUNT OF CASH ASSISTANCE (1) Standards of assistance are used to determine whether need exists with respect to income for any person who applies for or receives aid to families with dependent children (AFDC) assistance in the

FAIM project and to determine the amount of assistance the applicant or recipient will receive if eligible. Three sets of assistance standards are used which are as follows:

(a) The gross monthly income (GMI) standard sets the level of gross monthly income for each size assistance unit which cannot be exceeded if the assistance unit is to be eligible for AFDC.

(b) The net monthly income (NMI) standard sets the level of net monthly income for each size assistance unit which cannot be exceeded if the assistance unit is to be eligible for AFDC. It represents the minimum dollar amount the assistance unit requires for basic needs such as food, clothing, shelter, personal care items, and household supplies.

(c) The benefit standard, also known as the maximum payment amount, sets the level of net countable income which cannot be exceeded if the assistance unit is to be eligible for AFDC. It is also used to determine the amount of the applicant or recipient's monthly cash assistance in the pathways and community services programs and is based on the size of the assistance unit. This amount is prorated for the month of application if eligibility is for less than a full month. If this amount is less than $10.00, no payment check will be issued.

(2) The assistance standards vary depending on the number of persons in the assistance unit, whether the assistance unit has a shelter obligation, and whether the assistance unit shares its place of residence with persons who are not members of the filing unit and whose income and resources are not considered in determining the assistance unit's eligibility and amount of assistance.

(a) An assistance unit is considered to have a shelter obligation if a member of the filing unit is obligated to meet any portion of the assistance unit's place of residence, such as rent, a house payment, mortgage payment, real property taxes or homeowner's insurance, mobile home lot rent or utilities such as heating fuel, water or lights. An assistance unit receiving a government rent or housing subsidy is considered to have a shelter obligation even if the assistance unit's share of the rent or housing payment is zero.

(3) The GMI standards, NMI standards and benefit standards used to determine an assistance unit's eligibility and amount of cash assistance are determined as follows:

(a) The standards designated "with shelter obligation" are used if the assistance unit has a shelter obligation as defined in (2)(a) but does not share its place of residence with persons who are not members of the filing unit and whose income and resources are not considered in determining eligibility and the amount of the assistance unit's cash assistance.

(b) The standards designated "in shared shelter" are used if the assistance unit has a shelter obligation as defined in (2)(a) and shares its place of residence with a person or persons who are not members of the filing unit and whose income

and resources are not considered in determining eligibility and the amount of the assistance unit's cash assistance, except in the following cases:

(i) a person with whom the assistance unit shares a place of residence receives supplemental security income;

(ii) the assistance unit receives a government rent or housing subsidy;

(iii) any of the other persons with whom the assistance unit shares a place of residence also receives AFDC;

(iv) there is a bona fide landlord-tenant relationship between the assistance unit and the person or persons with whom it shares a place of residence. A bona fide landlord-tenant relationship means there is a written agreement between a landlord who owns property and a tenant in which the landlord gives the tenant temporary possession and use of real property for a specified sum of money;

(v) a member of the assistance unit provides necessary in-home medical care to a relative who is 60 years of age or older;

(vi) a member of the household who is not included in the assistance unit provides child care which enables a member of the assistance unit to attend school or job training or maintain employment; or

(vii) any of the persons with whom the assistance unit shares its place of residence receives food stamps as a separate household.

(c) The standards designated "with shelter obligation" are used if the assistance unit has a shelter obligation as defined in (2)(a).

(4) The assistance unit's gross monthly income as defined in ARM 46.10.505 is compared to the applicable GMI standard, and after specified disregards, to the NMI standard. If the assistance unit's gross monthly income exceeds the GMI standard or their net monthly income as defined in ARM 46.10.505, the NMI standard or the benefit standard, the assistance unit is ineligible for assistance. Monthly income is compared to the full standard even if the eligibility is being determined for only part of the month.

(a) Eligibility for assistance and the amount of cash assistance for which an assistance unit is eligible is determined prospectively, that is, based on the department's best estimate of income and other circumstances which will exist in the benefit month.

(b) When comparing income to the income standards, income anticipated to be received in the benefit month is used.

(5) The GMI standards, NMI standards and benefits standards used to determine eligibility and amount of cash assistance are the tables of GMI standards, NMI standards and maximum payment amounts contained in ARM 46.10.403.

AUTH: Sec. 53-4-212, MCA
IMP: Sec. 53-4-211 and 53-4-601, MCA

3. A standard rulemaking procedure will be undertaken prior to the expiration of the emergency rule.

4. Interested persons are encouraged to submit their comments during the upcoming standard rulemaking process.

5. This emergency rule adoption will be effective March 25, 1996.

Rule Reviewer

Director, Public Health and Human Services

Certified to the Secretary of State March 25, 1996.

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

In the matter of the amendment of rules 11.16.128 and 11.16.143 pertaining to the licensure of adult foster care homes	)))))	NOTICE OF AMENDMENT

TO: All Interested Persons

1. On February 22, 1996, the Department of Public Health and Human Services published notice of the proposed amendment of rules 11.16.128 and 11.16.143 pertaining to the licensure of adult foster care homes at page 529 of the 1996 Montana Administrative Register, issue number 4.

2. The Department has amended rules 11.16.128 and 11.16.143 as proposed.

3. No written comments or testimony were received.

Rule Reviewer

Director, Public Health and Human Services

Certified to the Secretary of State March 25, 1996.

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
OF THE STATE OF MONTANA

In the matter of adoption of RULES I through VIII outlining the code of ethics complaint procedures.	)))))	NOTICE OF ADOPTION

TO: All Interested Persons.

1. On February 22, 1996, the Commissioner of Political Practices, published notice of the proposed adoption of new Rules I through VIII, which outline the code of ethics complaint procedures, according to Title 2, chapter 2, MCA, at page 540 of the 1996 Montana Administrative Register, issue number 4.

2. The commissioner has adopted new Rule I (44.10.603), new Rule II (44.10.604), new Rule III (44.10.605), new Rule IV (44.10.607), new rule V (44.10.608), new Rule VI (44.10.610), new Rule VII (44.10.612), and new Rule VIII (44.10.613) as proposed.

3. No comments or testimony were received.

Ed Argenbright Ed.D.
COMMISSIONER OF POLITICAL PRACTICES

(Rule Reviewer)

Certified to the Secretary of State March 25, 1996.

VOLUME NO. 46 OPINION NO. 14

CITIES AND TOWNS - Ability of legislative body under self-government charter form of government to perform legislative as well as executive functions;
COUNTIES - Ability of legislative body under self-government charter form of government to perform legislative as well as executive functions;
LOCAL GOVERNMENT - Ability of legislative body under self-government charter to perform legislative as well as executive functions;
MUNICIPAL GOVERNMENT - Ability of legislative body under self-government charter to perform legislative as well as executive functions;
MONTANA CODE ANNOTATED - Title 7, chapter 3, part 7; sections 7-3-111, -704(1), -705.
MONTANA CONSTITUTION - Article XI, section 5.

HELD: A charter form of government may combine legislative and executive powers in the government's legislative body.

March 19, 1996

Mr. Mike Salvagni
Gallatin County Attorney
615 South 16th Avenue, Room 100
Bozeman, MT 59715

Dear Mr. Salvagni:

You have requested my opinion on the following question:

> May a charter form of county government combine legislative and executive powers in the commission?

Gallatin County currently operates under a commission form of government as defined in Mont. Code Ann. § 7-3-111. Apparently, the local government study commission in Gallatin County is considering submitting to the voters a charter form of government and questions whether the proposed charter can vest executive as well as legislative functions in the legislative body.

The charter form of government is specifically authorized in article XI, section 5 of the Montana Constitution, which provides in pertinent part:

> **Self-government charters.** (1) The legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the

> approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body.
>
> . . . .
>
> (3) Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

In 1975, the legislature implemented the above constitutional mandate and enacted statutory procedures for charter forms of government. See Mont. Code Ann. tit. 7, ch. 3, pt. 7. Mont. Code Ann. § 7-3-704(1) requires that the charter "provide for an elected legislative body (called a commission or council)" or "for a legislative body comprised of all qualified electors." The provisions concerning who may serve as executive officer or perform the executive functions under a charter form of government are set forth in Mont. Code Ann. § 7-3-705, which states:

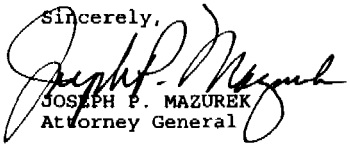
> **Officials and personnel.** (1) The charter shall specify which official of the local government will be the chief administrative and executive officer, the method of his selection, his term of office (except that it may be at the pleasure of the selecting authority if such officer is not elected by popular vote), the grounds for his removal, and his powers and duties. ***Notwithstanding the foregoing, the charter may allocate the chief executive and the chief administrative functions among two or more officials specified as above or the charter may provide that chief executive and administrative functions of the local government will be performed by one or more members of the legislative body.***
>
> (2) A charter form of government shall have such officers, departments, boards, commissions, and agencies as are established in the charter, by local ordinance, or required by state law.

(Emphasis added.) Mont. Code Ann. § 7-3-705(1), by its clear language, contemplates that a charter may provide that the executive and administrative functions of the government "will be performed by one or more members of the legislative body." That phrase clearly allows the entire legislative body or commission to perform the executive functions. Accordingly, a county charter may provide that the legislative body or commission will perform the executive functions of the county government in addition to its legislative duties. Whether the executive functions are performed by one or all of the members of the legislative body or commission is dependent on the charter language adopted by the county.

THEREFORE, IT IS MY OPINION:

A charter form of government may combine legislative and executive powers in the government's legislative body.

Sincerely,



JOSEPH P. MAZUREK
Attorney General

jpm/msw/brf

DEPARTMENT OF LIVESTOCK

MARC RACICOT, GOVERNOR

PO BOX 202001

STATE OF MONTANA

BRANDS ENFORCEMENT DIV 406 444 2045
ANIMAL HEALTH DIV 406 444 2043
BOARD OF LIVESTOCK CENTRALIZED SERVICES 406 444 2023
MEAT, MILK & EGG INSPECTION DIV 406 444 5202

HELENA, MONTANA 59620 2001

Negotiated Rulemaking Committee Announcement

The Montana Department of Livestock (DoL) and the Montana Department of Fish, Wildlife and Parks (FWP) are seeking nominations for persons to serve on a committee to consider changes in game farm rules as authorized by the 1995 Legislature.

Rule changes may affect the interests of game farmers, livestock producers, and/or the sportsmen/women in Montana. In addition to representatives from the FWP and DoL, representatives of the above three groups (at a minimum) must be selected for the committee. The committee is expected to meet periodically from May through September of this year.

Persons interested in helping draft new rules or the clarification of existing rules regulating the game farm industry are invited to apply. Persons may also submit letters nominating someone else to the committee. To apply, or to nominate someone for the committee, please send a letter of interest explaining the nominee's background and commitment to the rulemaking process to: Luella Schultz, Department of Livestock, PO Box 202001, Helena, MT 59620; or to Karen Zackheim, Department of Fish, Wildlife and Parks, PO Box 200701, Helena, MT 59620. Applications must be postmarked or received by other carriers by no later than May 2, 1996.

Call Montana Livestock Crimestoppers 800-647-7464

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

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 1995. This table includes those rules adopted during the period January 1, 1996 through March 31, 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 December 31, 1995, 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.

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
2.43.606 Conversion of an Optional Retirement Upon Death or Divorce from the Contingent Annuitant, p. 1289, 1791
2.43.808 Mailing Information on Behalf of Non-profit Organizations, p. 481

(Teachers' Retirement Board)
2.44.301A and other rules - Creditable Service for Members after July 1, 1989 - Calculation of Age - Installment Purchase - Value of Housing - Direct Transfer or Rollover - Reporting of Termination Pay - Payment for Service--Calculation of Retirement Benefits - Definitions - Membership of Teacher's Aides and Part-time Instructors - Transfer of Service Credit from the Public Employees' Retirement System - Eligibility Under Mid-term Retirements - Computation of Average Final Compensation - Adjustment of Benefits - Limit on Earned Compensation - Adjustment of Disability Allowance for Outside Earnings - Membership of Part-time and Federally Paid Employees - Interest on Non-payment for Additional Credits - Purchase of Credit During Exempt Period - Calculation of Annual Benefit Adjustment - Eligibility for Annual Benefit Adjustment, p. 977, 2122

(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

(State Tax Appeal Board)
2.51.307 Orders of the Board, p. 703

AGRICULTURE, Department of, Title 4

I and other rule - Spread of Late Blight Disease of Potatoes - Civil Penalties - Matrix, p. 3
I and other rule - Incorporation by Reference of Model Feed and Pet Food Regulations, p. 243, 1321, 2126
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
4.12.1221 and other rules - Alfalfa Leaf-Cutting Bees - Registration - Fees - Standards - Certification - Sale of Bees, p. 1292, 1793
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 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-XIV Medicare Select Policies and Certificates, p. 9
6.6.401 and other rules - College Student Life Insurance, p. 2573, 264
6.6.1104 Limitation of Presumption of Reasonableness of Credit Life - Disability Rates, p. 7, 746
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
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 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

6.6.5101 and other rules - Plan of Operation for the Small Employer Health Reinsurance Groups, p. 1468, 1932
6.10.102 and other rules - Securities Regulation, p. 2724
6.10.122 Securities Regulation - Broker-Dealer Books and Records, p. 15

(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
6.6.8301 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

(Professional and Occupational Licensing Bureau)
I Renewal Dates, p. 1600, 2140

(Board of Alternative Health Care)
I Vaginal Birth After Cesarean (VBAC) Delivery, p. 348
8.4.505 and other rule - High Risk Pregnancy - Conditions Which Require Physician Consultation, p. 1377, 2684

(Board of Clinical Laboratory Science Practitioners)
8.13.304 and other rules - Practice of Clinical Laboratory Science, p. 350

(Board of Cosmetologists)
8.14.802 Emergency Amendment - License Examinations, p. 416

(Professional and Occupational Licensing Bureau)
8.15.103 and other rules - Construction Blasters and Hoisting and Crane Operators - Standard Forms - Boiler Engineers, p. 1603, 2247

(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

(Board of Radiologic Technologists)
8.56.402 and other rules - Radiologic Technologists, p. 618

(Board of Realty Regulation)
8.58.406A and other rules - Realty Regulation, p. 1609, 2397, 2799

(Board of Sanitarians)
8.60.401 and other rules - Sanitarians, p. 626

(Board of Passenger Tramway Safety)
I & II Inspections - Conference Call Meetings, p. 1767
8.63.504 and other rule - Registration of New, Relocated or Major Modification of Tramways - Conference Call Meetings, p. 633

(Board of Veterinary Medicine)
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
8.70.1402 and other rule - Transfer to Professional and Occupational Licensing Bureau - Fireworks Wholesaler Permits, p. 1934

(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

(Banking and Financial Institutions Division)
8.80.108 Limitations on Loans, p. 355

(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 Incorporation by Reference of Rules for Administering the 1995 CDBG Program, p. 993, 1794
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

(Board of Investments)
8.97.715 and other rules - Municipal Finance Consolidation Program - Montana Cash Anticipation Financing Program, p. 360, 766

16.44.102 and other rules - Incorporations by Reference of Federal Regulations - Definitions - Regulatory Requirements Governing Hazardous Waste and Used Oil - Prohibiting Used Oil as Dust Suppressant, p. 1402, 1936

16.45.101A and other rules - Underground Storage Tanks - Transfer from Department of Health and Environmental Sciences - Underground Storage Tanks, p. 2257

17.54.102 and other rules - Updating Federal Incorporations by Reference, p. 20

(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

16.8.701 and other rules - Air Quality - Volatile Organic Compounds Definitions, p. 1645, 2410

16.8.705 and other rule - Air Quality - Replacing Equipment Due to Malfunctions, p. 1640, 2411

16.8.1107 Air Quality - Public Review of Air Quality Preconstruction Permit Applications, p. 488

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

16.8.1903 and other rule - Air Quality - Air Quality Operation Fees - Air Quality Permit Application Fees, p. 1648, 2415

16.18.301 and other rules - Water Quality - Wastewater Treatment Works Revolving Fund - Loans for Certain Solid Waste Management and Stormwater Control Projects, p. 2206

16.20.603 and other rules - Water Quality - Surface and Groundwater Water Quality Standards - Mixing Zones - Nondegradation of Water Quality, p. 2212, 555

26.2.641 and other rules - MEPA - Montana Environmental Policy Act for the Department of State Lands, p. 491

(Department of Environmental Quality and Board of Environmental Review)

16.16.101 and other rules - Water Quality - Transfer from Department of Health and Environmental Sciences - Water Quality, p. 493

TRANSPORTATION, Department of, Title 18

I and other rules - Establishing Refund Percentages for PTO or Auxiliary Engines - Motor Fuels, p. 2733

I-IV Staggered Registration of Motor Carriers with Multiple Fleets of Vehicles, p. 1773, 2422

I-III Operation of the Contractor Registration Program, p. 1548, 2146
I-IV Personal Assistants - Application of Certain Labor Laws, p. 1627, 2145
I-V and other rule - Exemption of Independent Contractors from Workers' Compensation Coverage, p. 725
I-XVII and other rules - Workers' Compensation Plan Number One [Plan 1] Requirements and Eligibility, p. 512
24.11.606 and other rules - Unemployment Insurance Taxes, p. 1388, 1950
24.12.201 and other rules - New Horizons Program, p. 2747, 560
24.14.101 and other rules - Maternity Leave, p. 2749, 561
24.21.414 Wage Rates for Certain Apprenticeship Programs, p. 1887, 2812
24.28.101 and other rules - Workers' Compensation Mediation, p. 2216, 2818
24.29.704 and other rules - Workers' Compensation Matters - State Compensation Insurance Fund, p. 1395, 1953
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)
24.9.102 and other rules - Procedures Before the Human Rights Commission, p. 1525, 2264

STATE LANDS, Department of, Title 26

(Department State Lands and Board of Land Commissioners)
26.6.411 Nonexport Agreement for Timber Sales from State Lands, p. 1104, 1803, 2153

(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
26.4.410 and other rules - Renewal of Strip Mine Operating Permits - Regulation of Coal and Uranium Prospecting p. 1106, 2263

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 Milk Control)

8.86.301 Wholesale Prices for Class I, II and III Milk, p. 641

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

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

32.8.103 Circumstances Under Which Raw Milk May be Sold for Human Consumption, p. 2222, 769

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

I Reject, Modify, or Condition Permit Applications in the Sixmile Creek Basin, p. 1893, 2693

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

26.2.628 and other rules - Repeal of Department of State Lands Rules - Implementing the Montana Environmental Policy Act, p. 1954--This Notice of Repeal was incorrectly published and will not be effective.

26.2.701 and other rule - Transfer from Department of State Lands - Citizen Participation in Agency Decisions, p. 1955

26.2.703 and other rules - Repeal of Department of State Lands Rules - Citizen Participation in Agency Decisions, p. 2099

26.2.703 and other rules - Repeal of Department of State Lands Rules - Citizen Participation in Agency Decisions, p. 1957--This Notice of Repeal was incorrectly published and will not be effective.

26.6.101 and other rules - Transfer from Department of State Lands - Forestry, p. 1958

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

36.2.608 Fees for Environmental Impact Statements, p. 1891, 2692

PUBLIC SERVICE REGULATION, Department of, Title 38

REVENUE, Department of, Title 42

SECRETARY OF STATE, Title 44

(Commissioner of Political Practices)

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46