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**MONTANA  
ADMINISTRATIVE  
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MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 21

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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BEFORE THE DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PROPOSED REPEAL  
repeal of rules pertaining to ) OF RULES PERTAINING TO  
passenger tramways ) PASSENGER TRAMWAYS

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On December 3, 1997, the Department of Commerce proposes to repeal ARM 8.63.101 (authority 23-2-721, MCA; implementing 2-4-201, MCA); 8.63.201, 8.63.202 (authority 2-4-201, 23-2-721, MCA; implementing 2-4-201, MCA); 8.63.203 (authority 2-3-203, 2-4-201, MCA; implementing 2-3-103, 2-3-203, MCA); 8.63.301 (authority 2-4-201; implementing 2-3-201, 2-3-203, 2-4-201, MCA); 8.63.302 (authority 2-4-201, MCA; implementing 2-3-201, 2-3-202, 2-3-203, 2-3-212, MCA); 8.63.303 (authority 23-2-721, MCA; implementing 23-2-721, MCA); 8.63.501 (authority 23-2-721, MCA; implementing 23-2-701, 23-2-721, MCA); 8.63.502 (authority 23-2-721, MCA; implementing 23-2-701, 23-2-721, MCA); 8.63.503 (authority 23-2-721, MCA; implementing 23-2-721, MCA); 8.63.504 (authority 23-2-721, MCA; implementing 23-2-701, 23-2-711, 23-2-712, 23-2-713, 23-2-721, 23-2-722, 23-2-723, MCA); 8.63.505 (authority 23-2-721, MCA; implementing 23-2-722, 23-2-723, MCA); 8.63.506 (authority 23-2-721, MCA; implementing 23-2-722, MCA); 8.63.508 (authority 23-2-721, MCA; implementing 23-2-721, 23-2-722, 23-2-723, MCA); 8.63.509 (authority 23-2-721, MCA; implementing 23-2-721, MCA); 8.63.516 (authority 23-2-721, MCA; implementing 23-2-701, 23-2-721, 23-2-722, 23-2-723, MCA); 8.63.517 (authority 23-2-721, MCA; implementing 23-2-701, 23-2-711, 23-2-712, 23-2-721, 23-2-722, MCA); 8.63.518 (authority 23-2-721, MCA; implementing 23-2-701, 23-2-711, 23-2-712, 23-2-713, 23-2-721, 23-2-722, MCA); 8.63.519 (authority 23-2-714, 23-2-715, 23-2-721, MCA; implementing 23-2-714, 23-2-715, 23-2-721, MCA); and 8.63.520 (authority 23-2-721, 23-2-701, MCA; implementing 23-2-721, 23-2-722, MCA) pertaining to passenger tramways. The rules are located at pages 8-1721 through 8-1741, Administrative Rules of Montana.

2. The rules are being repealed as mandated by the 1997 Legislature under House Bill 594.

3. Interested persons may submit their data, views or arguments concerning the proposed repeals in writing to R. Perry Eskridge, Department of Commerce, 111 N. Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile to (406) 444-1667, to be received no later than 5:00 p.m., December 1, 1997.

4. If a person who is directly affected by the proposed repeals wishes to present his data, views or arguments orally or in writing at a public hearing, he must make written request

for a hearing and submit the request along with any comments he has to the Department of Commerce, 111 N. Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile to (406) 444-1667, to be received no later than 5:00 p.m., December 1, 1997.

5. If the Board receives requests for a public hearing on the proposed repeals from either 10 percent or 25, whichever is less, of those persons who are directly affected by the proposed repeals, from the Administrative Code Committee of the legislature, from a governmental agency or subdivision or from an association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 7 based on the 73 licensees in Montana.

DEPARTMENT OF COMMERCE

BY:

ANDY POOLE, DEPUTY DIRECTOR  
DEPARTMENT OF COMMERCE

Carol Grell  
CAROL GRELL, RULE REVIEWER

Certified to the Secretary of State, October 20, 1997.

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
amendment of Teacher	)	PROPOSED AMENDMENT TO ARM
Certification	)	10.57.301 ENDORSEMENT
		INFORMATION

To: All Interested Persons

1. On December 4, at 1:00 p.m., or as soon thereafter as it may be heard, a public hearing will be held at the Board of Public Education Offices, 2500 Broadway, Helena, in the matter of the proposed amendment to 10.57.301 Endorsement Information.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you request an accommodation, contact the Board of Public Education office no later than 5:00 p.m. on November 26, 1997, to advise us the nature of the accommodation that you need. Please contact Dr. Wayne Buchanan, Board of Public Education, 2500 Broadway, Helena, MT 59620; telephone (406) 444-6576; FAX (406) 444-0847.

3. The rule as proposed to be amended provides as follows. Matter to be added is underlined. Matter to be deleted is interlined.

10.57.301 ENDORSEMENT INFORMATION

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

(6) Both elementary and secondary training to include student teaching or appropriate waiver are required for endorsement in any approved K-12 endorsement area.

(a) A class 1 or 2 certificate may be endorsed in special education P-12 with program preparation at the elementary or secondary levels, or a balanced K-12 program of comparable preparation.

(b) The balanced K-12 certificate level option is available through Montana board of public education-approved special education programs for those individuals with:

(i) a minimum of bachelor's degree completed, and  
(ii) verified completion of an out-of-state state-approved special education program which includes student teaching.

(7) through (10) will remain the same.

AUTH: Sec. 20-2-121 MCA IMP: Sec. 20-4-102 MCA

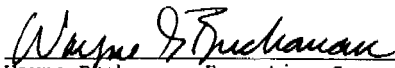
4. The board's proposal permits the addition of an option for out-of-state holders of bachelor's degrees who hold major preparation in special education to be licensed on the basis other than the traditional elementary or secondary preparation program. This basis was "a balanced K-12 program of comparable preparation."

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 Storrs Bishop, Chairman of the Board of Public Education, 2500 Broadway, Helena, MT 59620, no later than 5:00 p.m. on December 3, 1997.

6. Storrs Bishop, Chairman of the Board of Public Education, 2500 Broadway, Helena, has been designated to preside over and conduct the hearing.

7. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices. Such written requests may be mailed or delivered to the Board of Public Education office, 2500 Broadway, Helena, MT 59620, or may be faxed to the office at (406) 444-0847.

8. The two bill sponsor notice requirements of section 2-4-302 MCA do not apply.

  
Wayne Buchanan, Executive Secretary  
Board of Public Education

Certified to the Secretary of State on 10/20/97.



BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PUBLIC HEARING ON
amendment of Teacher	)	PROPOSED AMENDMENT TO
Certification	)	ARM 10.58.527 AREAS OF PERMISSIVE
	)	SPECIAL COMPETENCY

To: All Interested Persons

1. On December 4, 1997, at 1:15 p.m., or as soon thereafter as it may be heard, a public hearing will be held at the Board of Public Education Offices, 2500 Broadway, Helena, in the matter of the proposed amendment to ARM 10.58.527 Areas of Permissive Special Competency.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you request an accommodation, contact the Board of Public Education no later than 5:00 p.m. on November 26, 1997, to advise us of the nature of the accommodation that you need. Please contact Dr. Wayne Buchanan, Board of Public Education, 2500 Broadway, Helena, MT 59620; telephone (406) 444-6576; FAX (406) 444-0847.

3. The rule as proposed to be amended provides as follows. Matter to be added is underlined. Matter to be deleted is interlined.

10.58.527 AREAS OF PERMISSIVE SPECIAL COMPETENCY

(1) through (2) will remain the same.

(3) Permissive special competency standard(s) for early childhood:

~~(a) early childhood~~

(i) through (ii)(F)(IX) remain the same but are renumbered (a) through (b)(vi)(I).

(4) Permissive special competency standard(s) for gifted children K-12:

(a) the program shall prepare the prospective teacher to serve the educational needs of gifted (high ability/high potential) students by providing:

(i) knowledge of the characteristics of gifted students and an understanding of how to utilize appropriate tests and other documentation to formally identify gifted students;

(ii) knowledge of the curriculum needs that result from the characteristics of individual gifted students and an understanding of how to apply the appropriate curriculum strategies to vary the pace, breadth, and depth of the curriculum through acceleration; differentiation of the content, process and product; and subject enrichment;

(iii) knowledge of the unique learning styles of gifted learners and an understanding of how to apply that knowledge to modify the learning environment and activities to match the

style(s) of the individual student;

(iv) knowledge of how the social/emotional characteristics of gifted children create different needs that may impact the school and family and an understanding of how to apply appropriate strategies to minimize negative impacts upon the ability of the gifted student to learn;

(v) knowledge of the need for gifted students to be challenged by participation with their mental peers, and an understanding of how to meet that need by providing a variety of options in the learning environment;

(vi) knowledge of how the school environment and characteristics of gifted students cause some high ability/high potential students to achieve at levels far below their potentials and an understanding of how to apply appropriate interventions; and

(vii) knowledge of the nature of, and need for, team approaches and an understanding of how to effectively apply these strategies in order to provide the best possible school climate and total curriculum services for gifted students.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

4. The proposed amendment to ARM 10.58.527 is to put forth standards for teachers for the instruction of gifted and talented students in Montana.

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 Storrs Bishop, Chairman of the Board of Public Education, 2500 Broadway, Helena, MT 59620, no later than 5:00 p.m. December 3, 1997.

6. Storrs Bishop, Chairman of the Board of Public Education, 2500 Broadway, Helena, has been designated to preside over and conduct the hearing.

7. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices. Such written request may be mailed or delivered to the Board of Public Education office, 2500 Broadway, Helena, MT 59620, or faxed to the office at (406) 444-0847.

8. The two bill sponsor notice requirements of section 2-4-302 MCA do not apply.

  
Wayne Buchanan, Executive Secretary  
Board of Public Education

Certified to the Secretary of State on 10/20/97.

21-11/3/97

MAR Notice No. 10-3-200

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PROPOSED AMENDMENT
amendment and repeal	)	TO ARM 10.65.101, 10.65.103
of rules regarding	)	AND REPEAL OF 10.65.102,
Hours and Days of	)	10.65.201, AND 10.65.202 PUPIL
Instruction	)	INSTRUCTION-RELATED DAYS

NO PUBLIC HEARING CONTEMPLATED

To: All Interested Persons

1. On December 4, 1997, the Board of Public Education proposes to amend ARM 10.65.101 and ARM 10.65.103, and to repeal ARM 10.65.102, ARM 10.65.201 and ARM 10.65.202.

2. The rules as proposed to be amended provide as follows. Matter to be added is underlined. Matter to be deleted is interlined.

10.65.101 POLICY GOVERNING PUPIL INSTRUCTION-RELATED DAYS APPROVED FOR BASE FUNDING PROGRAM CALCULATIONS (1) A school which in any fiscal year was in session for at least 180 pupil instruction days and provided the minimum aggregate hours required (20-1-301, MCA) may count for the year's foundation program a maximum of seven PIR days with a minimum of three of the days for appropriated in-service training. These seven PIR days in addition to the required 180 pupil instruction days and the minimum aggregate hours may be counted provided that such additional days did not include any time counted for pupil instruction as provided in ~~section~~ 20-1-302, MCA and were used for one or more of the following purposes in accordance with the regulations hereby established:

(1)(a) through (d) will remain the same.

(e) A school district may count for the year's foundation program a total of not more than three and one-half days in addition to the required 90 pupil instruction days and the minimum aggregate hours required for kindergarten purposes, provided that such additional days were used for one or more of the above-named purposes, and upon proper submission of the application to the state superintendent.

AUTH: Sec. 20-2-121, MCA

IMP: 20-1-301, MCA

10.65.103 PROGRAM OF APPROVED PUPIL INSTRUCTION-RELATED DAYS (1) A copy of the program planned and executed for each approved day approved by the board of trustees (except the annual instructional and professional development meetings) must be kept on file in the office of the appropriate school official.

(2) will remain the same.

(3) Saturdays and holidays, while not pupil instruction days, may be approved for pupil instruction-related days noted in ARM 10.65.101(1)(a)-(d), if requested.

AUTH: 20-2-121, MCA

IMP: 20-1-304, MCA

3. The rules to be repealed, 10.65.102, 10.65.201, and 10.65.202 are on pages 10-1020 through 10-1026 of the Administrative Rules of Montana.

10.65.102 APPLICATION FOR AUTHORIZATION TO SCHEDULE PUPIL INSTRUCTION-RELATED DAYS

AUTH: 20-2-121, MCA

IMP: 20-1-304, MCA

10.65.201 POLICY STATEMENT ON KINDERGARTEN ACCREDITATION AND SCHEDULE VARIANCES

AUTH: 20-2-121, MCA

IMP: 20-1-302, MCA

10.65.202 LOCAL DISTRICT PARTICIPATION

AUTH: 20-2-121, MCA

IMP: 20-1-302, MCA

4. The Board proposes these amendments and repeals to the rules in accordance with changes brought forth by the adoption of SB 71 and the subsequent adoption of the amendments to the Montana Code Annotated by the 55<sup>th</sup> Legislative Session.

5. Interested parties may submit their data, views or arguments concerning the proposed actions in writing to Storrs Bishop, Chairman of the Board of Public Education, 2500 Broadway, Helena, MT 59620. Any comments must be received no later than December 3, 1997.


6. If a person who is directly affected by the proposed actions wishes to express his data, view 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 Storrs Bishop, Chairman of the Board of Public Education, 2500 Broadway, Helena, MT 59620. A written request for hearing must be received no later than December 3, 1997.

7. If the agency receives requests for a public hearing on the proposed actions from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed actions; 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 51 as there are 511 active school districts in Montana.

8. The two bill sponsor notice requirements of section 2-4-302 MCA, apply and have been complied with.

9. The Board of Public Education will make reasonable accommodations for persons with disabilities who need an alternative accessible format of this notice. To request an accommodation, please contact Dr. Wayne Buchanan, Board of Public Education, 2500 Broadway, Helena, MT 59620; telephone (406) 444-6576; FAX (406) 444-0847.

10. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed to this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices. Such written requests may be mailed or delivered to the Board of Public Education Office, 2500 Broadway, Helena, MT 59620, or faxed to (406) 444-0847.

  
Wayne Buchanan, Executive Secretary  
Board of Public Education

Certified to the Secretary of State on 10/20/97.

BEFORE THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF MONTANA

In the matter of the amendment )	NOTICE OF PUBLIC
of rule 18.8.101 to include a )	HEARING ON PROPOSED
definition of F.O.B. Factory )	AMENDMENT
List Price and F.O.B. Port-of- )	
Entry List Price as it relates )	
to the Motor Carrier Services )	
program )	

TO: All Interested Persons.

1. On December 1, 1997, at 9 a.m., a public hearing will be held in the second floor Commission Room of the Department of Transportation building, 2701 Prospect Avenue, Helena, Montana, to consider the amendment of rule 18.8.101 concerning the Motor Carrier Services program.

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

18.8.101 DEFINITIONS

(1) through (e) remain the same.

(f) "F.o.b. factory list price" and "f.o.b. port-of-entry list price" mean manufacturer's suggested retail price (MSRP), as determined by the Montana department of justice under (rule 11, Assignment of Manufacturer's Suggested Retail Price, found at page 1901 of the Montana Administrative Register, issue number 20, MAR Notice No. 23-3-110) for light vehicles, motor homes, motorcycles, quadricycles and amphibious vehicles (if they are issued a license plate for highway use). For all vehicles over 1 ton, "f.o.b. factory list price" and "f.o.b. port-of-entry list price" mean manufacturer's suggested retail price or acquired cost, whichever is less.

AUTH: 61-3-506, 61-3-716, and 61-10-155, MCA; IMP: 61-3-501, 61-3-502, 61-3-711 through 61-3-733, 61-10-107, 61-10-121, 61-10-125 and 61-10-231, MCA

3. "F.O.B. Factory List Price" and "F.O.B. Port-of-Entry List Price" is the original language of the legislation when enacted in 1951. (Chapter 219, section 3, Laws of 1951.) The 1951 legislation, effective January 1, 1952, was written for passenger motor vehicles only, trucks and buses were assessed a gross vehicle weight fee as part of this legislation. (Also, see Chapter 197, section 6-215, Laws of 1965.) The 1967 Legislature changed the wording to include all motor vehicles, but left the terms "F.O.B. factory list price" and "F.O.B. port-of-entry list price."

The term "purchase price" had been used for the taxation of interstate motor vehicle fleets since the statute was enacted. The Department of Transportation, Motor Carrier Services Division (MCS), has always used the purchase price on all motor vehicles over 1 ton when applying the requirements of section 61-3-502, MCA.

State statute does not define F.O.B. or list price. Without a definition of "F.O.B. list price," any number of interpretations can be made. For example, Ford advertises a 1998 Contour with an invoice price of \$13,889 and an MSRP of \$15,195. Chevrolet advertises a 1998 Cavalier with an invoice price of \$10,855 and a retail base price of \$11,610. There is no longer any reference to an "F.O.B. list price" in any of the "blue books" or information about vehicle pricing.

The July, 1997 National Market Reports, Truck Blue Book defines the factory price as the manufacturer's retail price for the standard model with standard equipment. It states that this price includes the federal excise tax, factory surcharge, factory preparation and delivery charges. The same book defines average retail value as the probable amount a standard model will bring on the open market when sold in single lots by a dealer. The blue book then explains wholesale value as follows: "While a wholesale value is not printed in the book, it is generally understood that a reasonably close number can be obtained by dividing the finance value by .9." None of these define a "list" price.

The MCS division recognizes the different interpretations that can be applied to F.O.B. Research indicates that the guide books are not always accurate for this area. The trucking industry has proven that the guide books prices for new trucks can be inflated by over \$20,000 and sometimes as much as \$40,000. Because of such differences, the MCS division proposes this rule to clarify F.O.B. list price. The goal is to get as close as possible to the actual price of a vehicle and provide uniformity between the county motor vehicle offices and the registration process for the International Registration Plan vehicles. Motor homes, motorcycles, quadricycles and amphibious vehicles have been added for clarification. The statute uses the terminology "motor vehicle." The MCS division is clarifying the broad terminology. For these reasons, the proposed amendment is necessary.

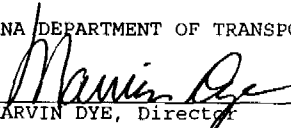
4. Interested persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to David A. Galt, Motor Carrier Services Division, Department of Transportation, P.O. Box 201001, Helena, MT 59620-1001, and must be received no later than 5 p.m. December 1, 1997.


5. Nick A. Rotering has been designated to preside over and conduct the hearing.

6. The Department of Transportation maintains a list of interested persons who wish to receive notices of the rulemaking actions it proposes. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies the subject area or areas of interest of the person requesting notice, including, but not limited to, rules proposed by the Administration Division, Aeronautics Division, Highways and Engineering Division, Maintenance Division, Motor Carrier Services Division, and Rail, Transit and Planning Division. Such written request may be mailed or delivered to the Montana Department of Transportation, Legal Services, P.O. Box 201001, Helena, MT 59620-1001, faxed to the office at (406) 444-7206, or may be made by completing a request form at any rules hearing held by the Department.

MONTANA DEPARTMENT OF TRANSPORTATION

By:

  
MARVIN DYE, Director

  
Lyle Manley, Rule Reviewer

Certified to the Secretary of State October 17, 1997



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

In the Matter of Proposed )	NOTICE OF PUBLIC HEARING
Amendment of Rules Pertaining )	ON AMENDMENT OF RULES
to Pipeline Safety, including )	38.5.1010, 38.5.2202,
Drug and Alcohol Testing, and )	38.5.2302 AND 38.5.2304
Rules Pertaining to the )	
National Electric Safety Code.)	

TO: All Interested Persons

1. On Tuesday, December 2, 1997 at 1:30 p.m. in the Bollinger Room, Public Service Commission (PSC) offices, 1701 Prospect Avenue, Helena, Montana, the PSC will hold a hearing to consider the proposals identified in the above titles and described in the following paragraphs, all related to pipeline safety and electric safety. Anyone needing accommodations for physical, hearing, or sight impairment in order to attend and participate in the hearing should contact the PSC secretary at (406) 444-6199 at least one week prior to hearing.

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

38.5.1010 INCORPORATION BY REFERENCE OF NATIONAL ELECTRICAL SAFETY CODE (1) Pursuant to ~~69-4-501~~ 69-4-201, MCA, the commission is empowered to implement and enforce construction standards for utility lines and facilities and for that purpose the commission hereby adopts and incorporates by reference the 1997 edition of the National Electrical Safety Code (NESC). A copy of the NESC may be obtained from the American National Standards Institute, 11 West 42nd Street, 13th Floor, New York, New York 10036, or may be reviewed at the Public Service Commission Offices, 1701 Prospect Avenue, Helena, Montana 59620-2601. AUTH: Sec. 69-4-201, MCA; IMP: Sec. 69-4-201, MCA

38.5.2202 INCORPORATION BY REFERENCE OF FEDERAL PIPELINE SAFETY REGULATIONS (1) The commission hereby adopts and incorporates by reference the U.S. Department of Transportation (DOT) Pipeline Safety Regulations, Code of Federal Regulations (CFR), Title 49, chapter 1, subchapter D, parts 191, 192, and 193, including all revisions and amendments enacted by DOT on or before ~~October 11, 1996~~ October 20, 1997. A copy of the referenced regulations may be obtained from DOT, Research and Special Programs Administration, Western Region, Pipeline Safety, 12600 W. Colfax Ave., Suite A-250, Lakewood, Colorado 80215-3736, or may be reviewed at the Public Service Commission Offices, 1701

Prospect Avenue, Helena, Montana 59620-2601. AUTH: Sec. 69-3-207, MCA; IMP: Sec. 69-3-207, MCA

38.5.2302 INCORPORATION BY REFERENCE OF FEDERAL PIPELINE SAFETY REGULATIONS -- DRUG AND ALCOHOL TESTING AND PREVENTION PROGRAMS (1) Except as otherwise provided in this subchapter the commission hereby adopts and incorporates by reference the DOT Pipeline Safety Regulations, Drug and Alcohol Testing, 49 CFR 199, including all revisions and amendments enacted by DOT on or before October 20, 1997. A copy of the referenced CFR's is available from the DOT, Research and Special Programs Administration, Western Region, Pipeline Safety, 12600 W. Colfax Ave., Suite A-250, Lakewood, Colorado 80215-3736, or may be reviewed at the Public Service Commission Offices, 1701 Prospect Avenue, Helena, Montana 59620-2601. AUTH: Sec. 69-3-207, MCA; IMP: Sec. 69-3-207, MCA

38.5.2304 DRUG AND ALCOHOL TESTING -- EXCEPTIONS

(1) This subchapter does not apply to any pipeline or transportation activity to which the commission has not accepted jurisdiction.

~~(2) For there to be an "incident" based on being judged "significant" by the operator pursuant to 49 CFR 191.3, property damage must be in excess of \$1,500.~~

~~(3) (2) When applicable all drug and alcohol testing of employees shall be done in accordance with 39-2-205 through 39-2-211, MCA.~~ Nothing contained in this subchapter shall be construed or applied in a manner inconsistent with the provisions and requirements of ~~39-2-304~~ 39-2-205 through 39-2-211, MCA. ~~Random drug testing is prohibited.~~

~~(4) Any testing procedure must provide for the verification of test results by two or more different testing procedures before judging a test positive.~~

~~(5) A copy of all drug test results shall be provided to the person tested.~~

~~(6) Each person tested must be provided the opportunity, at the expense of the operator, to obtain a confirmatory retest by an independent laboratory selected by the person tested.~~

~~(7) Each person tested must be given the opportunity to rebut or explain the results of drug tests and retests.~~

~~(8) In all federal rules pertaining to recordkeeping, "positive test" shall mean "failed a drug test."~~

~~(9) Any release of name-specific information shall only be by written consent of the named individual or by order of a court, but statistical data related to drug testing and rehabilitation that is not name-specific and training records must be made available to the administrator or the representative of a state agency upon request.~~

~~(10) (3) In the event of any conflict in law, the substantive and procedural provisions of 39-2-205 through 39-2-211, MCA, and the substantive and procedural provisions of the commission in this subchapter shall prevail over any~~

federal provision adopted by the commission by reference.  
AUTH: Sec. 69-3-207, MCA; IMP: Sec. 69-3-207, MCA

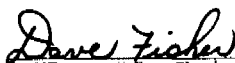
3. Rationale. The proposed amendment to 38.5.1010 is reasonably necessary to correct an erroneous reference to statute. The proposed amendments to 38.5.2202 and 38.5.2302 are reasonably necessary to update the adoption by reference of federal rules. The proposed amendments to 38.5.2304 are reasonably necessary to implement recent changes to state drug and alcohol testing policy as reflected in Ch. 521, L. 1997 (HB345), now codified at Secs. 39-2-205 through 39-2-211, the Workforce Drug and Alcohol Testing Act.

4. Interested parties may submit their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted (original and 10 copies) to Martin Jacobson, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601 no later than December 2, 1997. (PLEASE NOTE: When filing comments pursuant to this notice please reference "Docket No. L-97.8.5-RUL".)

5. The PSC, a commissioner, or a duly appointed presiding officer may preside over and conduct the hearing.

6. 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.

7. The Public Service Commission maintains a list of persons interested in Commission rulemaking proceedings and the subject or subjects in which each person on the list is interested. Any person wishing to be on the list must make a written request to the Commission, providing a name, address and description of the subject or subjects which the person is interested. Direct the request to the Public Service Commission, Legal Division, 1701 Prospect Avenue, PO Box 202601, Helena, MT 59620-2601.

  
DAVE FISHER, Chair

CERTIFIED TO THE SECRETARY OF STATE OCTOBER 20, 1997.

  
Reviewed By Robin A. McHugh

-1975-

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT ) NOTICE OF PROPOSED AMENDMENT  
of ARM 42.15.506 and 42.15.507 )  
relating to Elderly Homeowner )  
Renter Credit ) NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On December 16, 1997, the Department of Revenue proposes to amend ARM 42.15.506 and 42.15.507 relating to elderly homeowner renter credit.

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

42.15.506 COMPUTATION OF RESIDENTIAL PROPERTY TAX CREDIT FOR ELDERLY (1) When the taxpayer owns the dwelling but rents the land or owns the land and rents the dwelling, he shall add the rent-equivalent tax paid on the rented property to the property tax paid billed on the owned property. The total shall then be reduced as provided by 15-30-176, MCA. The tax credit will be the reduced amount or \$400, whichever is less. Effective for taxable years beginning after December 31, 1982 and before January 1, 1995, the maximum allowable credit is \$400. For tax years beginning after December 31, 1994, the maximum allowable credit is \$1,000.

~~(2) A taxpayer shall not be entitled to rent equivalent tax paid on either a rented dwelling or rented land which is not subject to ad valorem taxes in Montana during the claim period except for those units rented from a state, county or city housing authority.~~

~~(3) (2) When a taxpayer lives in a health care facility, long-term care facility, personal care facility, or a residential care facility as defined in 50-5-101, MCA, the rent allowed in calculation of the property tax credit is the greater of \$20 per day or the actual rent paid out of pocket rent paid subject to (7).~~

~~(4) (3) Where one spouse lives in a health care facility, long-term care facility, personal care facility, or a residential care facility as defined in 50-5-101, MCA, and the other lives at a different address, they are only allowed to take the rent at the facility or the rent/taxes of the other house but not both. Married taxpayers who are living apart are entitled to file and receive only one claim per year.~~

~~(5) (4) General property taxes paid billed on property held in a revocable trust which are paid by an eligible claimant are allowable as long as the grantor(s) of the property or their spouse is the eligible claimant and are trustees of the revocable trust. The grantor(s) of the property or their spouse must be a trustee of the revocable trust.~~

~~(6) Property taxes on property held in an irrevocable or trust paid by an eligible claimant are allowed as rent paid.~~

(5) Property taxes billed are allowable as rent if the property occupied by an eligible claimant is in a name other than the claimant.

~~(7)~~ (6) General pProperty taxes paid by billed to an eligible claimant who has a living trust or a life estate are allowable.

~~(8)~~ (7) If a claimant does not provide an adequate breakdown between "rent" and "amenities" paid, the rent allowed will be limited to \$20 a day.

AUTH: Sec. 15-30-305, MCA; IMP, Sec. 15-30-176, MCA

42.15.507 DEFINITIONS (1) through (3) remain the same

(4) "Gross household income" as defined under 15-30-171, MCA, is further defined as:

(a) all capital gains income transactions less return of capital;

(b) federal refunds received during the tax year to the extent that the amount recovered reduced the claimant's Montana income tax in a prior year; and

(c) Montana state income tax and Elderly Homeowner/Renter Credit refunds received.

(5) Land ownership surrounding a homestead in excess of one acre but less than 19.99 acres will be computed as follows: total amount of property tax billed on the land, divided by the total acreage to equal the allowable amount of property tax used in the credit calculation.

(a) Land ownership of 20 acres or more must go to the county assessor's office for computation of the allowable amount of property tax used in the credit calculation.

(4) through (9) remain the same, but are renumbered (6) through (11).

AUTH: Sec. 15-32-611, MCA, IMP, 15-32-601, 15-32-602, 15-32-603, 15-32-604, 15-32-609, and 15-32-610.

3. ARM 42.15.506 and 42.15.507 are proposed to be amended because House Bill 591 amended the laws 15-30-171, 15-30-172, 15-30-176, 15-30-177 and 15-30-178 regarding the elderly homeowner/renter credit. This streamlines and simplifies the application of this refundable credit. The amendments put into effect the changes of the limiting of gross household income, a standard deduction and the credit calculation based on property tax as billed versus ad valorem property taxes paid. The proposed rules reflect the change from property tax paid to property tax billed. The proposed rules will also more clearly define gross household income. The proposed changes also reflect adjustments to delete rules defined in code and to clarify current rules.

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

Cleo Anderson  
Department of Revenue  
Office of Legal Affairs  
Mitchell Building  
Helena, Montana 59620


no later than December 1, 1997.

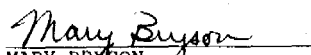
5. If a person who is directly affected by the proposed amendments wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Cleo Anderson at the above address no later than December 1, 1997.

6. If the agency receives requests for a public hearing on the proposed action 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 no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be greater than 25.

7. All parties interested in receiving notification of any change in rules pertaining to this subject should contact the Rule Reviewer in writing at:

Cleo Anderson  
Department of Revenue  
Office of Legal Affairs  
Mitchell Building  
Helena, Montana 59620

  
CLEO ANDERSON  
Rule Reviewer

  
MARY BRYSON  
Director of Revenue

Certified to Secretary of State October 20, 1997

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT) NOTICE OF PROPOSED AMENDMENT  
of ARM 42.31.401 relating )  
to Emergency Telephone )  
Service Rules ) NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On December 16, 1997, the department of revenue proposes to amend ARM 42.31.401 relating to emergency telephone service rules.

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

42.31.401 REPORTING REQUIREMENTS

(1) through (2)(e) remain the same.

(f) amount of fee computed by multiplying the total number of nonexempt access lines times \$.25 50 per month of service during the quarter;

(g) through (i) remain the same.

(AUTH: Sec. 10-4-203, 10-4-212, and 15-1-201, MCA; IMP, Sec. 10-4-201, 10-4-202, 10-4-203, 10-4-204, 10-4-206, 10-4-207, and 10-4-211, MCA)

3. ARM 42.31.401 is proposed to be amended because House Bill 210 enacted an enhanced 9-1-1 system. This is in addition to the basic 9-1-1 system. To pay for the new enhancement there is a 25-cent fee per access line which is collected by telephone companies from their customers. Therefore, the total fee to be collected by access providers increased from 25 cents to 50 cents per access line. The proposed rule amendment changes the computation of the amount of the fee required for the 9-1-1 fee that is paid to the department by access providers of telephone services.

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

Cleo Anderson  
Department of Revenue  
Office of Legal Affairs  
Mitchell Building  
Helena, Montana 59620

no later than December 1, 1997.


5. If a person who is directly affected by the proposed amendments wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Cleo Anderson at the above address no later than December 1, 1997.

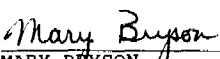
6. If the agency receives requests for a public hearing on

the proposed action 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 no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be greater than 25.

7. All parties interested in receiving notification of any change in rules pertaining to this subject should contact the Rule Reviewer in writing at:

Cleo Anderson  
Department of Revenue  
Office of Legal Affairs  
Mitchell Building  
Helena, Montana 59620

  
CLEO ANDERSON  
Rule Reviewer

  
MARY BRYSON  
Director of Revenue

Certified to Secretary of State October 20, 1997



BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

IN THE MATTER OF THE ADOPTION ) NOTICE OF PROPOSED ADOPTION  
of NEW RULES I, II, and III, )  
relating to Income Tax Credit )  
for the Preservation of )  
Historic Buildings ) NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On December 16, 1997, the Department of Revenue proposes to adopt new rules I, II, and III relating to income tax credit for the preservation of historic buildings.

2. The proposed rules I through III, do not replace or modify any section currently found in the Administrative Rules of Montana. The rules as proposed to be adopted provide as follows:

NEW RULE I COMPUTATION OF THE TAX CREDIT FOR THE PRESERVATION OF HISTORIC BUILDINGS (1) Montana's tax credit for the preservation of historic buildings is to be computed using the federal credit allowed by 26 U.S.C. 47 which is a component of the federal general business credit. No other component of the federal general business credit may be used to compute Montana's credit for the preservation of historic buildings.

(2) Qualifying expenditures used to calculate the credit for the preservation of historic buildings must be reduced by amounts used in calculating other Montana tax credits or tax incentives.

(AUTH: Sec. 15-30-305, MCA, IMP, Sec. 15-30-180 and 15-31-151, MCA)

NEW RULE II MARRIED TAXPAYERS (1) If property qualifying for the credit for the preservation of historic buildings is owned by a husband and wife, the credit may be applied to their joint tax liability if filing a joint tax return.

(2) If husband and wife file separately, the credit for preservation of historic buildings must be computed individually by each spouse and applied to their corresponding tax liabilities.

(3) When filing separately, one spouse's credit for the preservation of historic buildings cannot be applied to the other spouse's tax liability.

(4) Carryovers of unused preservation credit may only be applied to the tax liability of the spouse who is entitled to claim the credit. If in a carryover year husband and wife who previously filed separately, now file a joint return, carryover credits must be applied separately to each spouse's share of the joint tax liability.

(AUTH: 15-30-305, MCA, IMP: 15-30-180 and 15-31-151, MCA)

NEW RULE III OWNERSHIP OF HISTORIC BUILDINGS (1) A credit for the preservation of historic buildings generated by property owned by more than one individual must be allocated between owners based on their share of ownership in the property. Unless specified otherwise when the property is purchased, percentage of ownership will be considered equal between owners. (AUTH: Sec. 15-30-305, MCA, IMP, Sec. 15-30-180 and 15-31-151, MCA)

3. New rules I through III are proposed because House Bill 601 created a credit against individual income tax for qualifying expenditures used to preserve historic buildings. Taxpayers will be allowed a credit equal to 25% of the federal credit allowed for the preservation of historic buildings. The proposed rules are necessary to define terminology used in the new legislation; specify how the allowable credit will be calculated and reported by married taxpayers; and specify how the credit will be calculated and reported if qualifying property is owned by more than one individual.

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

Cleo Anderson  
Department of Revenue  
Office of Legal Affairs  
Mitchell Building  
Helena, Montana 59620

no later than December 1, 1997.

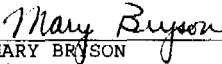
5. If a person who is directly affected by the proposed adoptions wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Cleo Anderson at the above address no later than December 1, 1997.

6. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed adoption; from the Administrative Code Committee of the Legislature; from a governmental subdivision, or agency; or from an association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be greater than 25.

7. All parties interested in receiving notification of any change in rules pertaining to this subject should contact the Rule Reviewer in writing at:

Cleo Anderson  
Department of Revenue  
Office of Legal Affairs  
Mitchell Building  
Helena, Montana 59620

  
CLEO ANDERSON  
Rule Reviewer

  
MARY BRYSON  
Director of Revenue

Certified to Secretary of State October 20, 1997

-1983-

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT) NOTICE OF PROPOSED AMENDMENT  
of ARM 42.14.102, 42.14.103, )  
and 42.14.105 relating to )  
Accommodation Tax Rules ) NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On December 17, 1997, the department of revenue proposes to amend ARM 42.14.102, 42.14.103, and 42.14.105 relating to accommodation tax rules.

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

42.14.102 WHO MUST COLLECT THE TAX AND FILE RETURNS

(1) remains the same.

(2) To determine taxability of a facility, the owner/operator should consider the type of operation.

If the operation is:

Use Step:

Hotel, motel, hostel, public lodginghouse or bed and breakfast facility	(a) and (b)
Resort, condominium inn, dude ranch, guest ranch facility	(c)
Campground	(d)
Dormitory	(e)

(a) Compute the average daily accommodation charge (ADAC). If the ADAC is ~~\$18.72 or less per day less than 60% of the allowable state reimbursement for the standard cost of in state lodging~~, and the facility is a hotel, motel, hostel, public lodginghouse, or bed and breakfast facility, no further step is required. The owner/operator of the facility is not required to collect the tax. The ~~\$18.72~~ exemption applies only to a hotel, motel, hostel, public lodginghouse or bed and breakfast facility.

(b) If the ADAC is more than ~~\$18.72~~ 60% of the allowable state reimbursement for the standard cost of in state lodging, and the facility is a hotel, motel, hostel, public lodginghouse or bed and breakfast facility, the second step is to look to the length of the rental period of the lodging facilities.

(i) If it is rented solely for 30 days or more the lodging facilities are not taxable.

(ii) If it is rented for less than 30 days the lodging facilities are taxable unless specifically exempted by ARM 42.14.103.

(c) through (e) remain the same.

(3) through (5) remain the same.

(AUTH: Sec. 15-65-102 MCA; IMP, Sec. ~~2-8-501~~, ~~2-18-501~~, 15-65-101 and 15-65-111 MCA)

42.14.103 EXEMPT FACILITIES/ACCOMMODATION CHARGES

(1) through (3) remain the same

(4) An owner/operator of a hotel, motel, hostel, public lodginghouse or bed and breakfast facility whose average daily accommodation charge is less than ~~\$14.98~~ 60% of the allowable state reimbursement for the standard cost of in state lodging per day is not required to collect the tax.

(5) through (10) remain the same

(AUTH: Sec. 15-65-102 MCA; IMP, Sec. ~~2-8-501~~, ~~2-18-501~~, 15-65-101, ~~15-65-111~~, MCA)

42.14.105 COMBINED CHARGE FOR SERVICES

(1) When accommodations charges are combined with food, beverage, recreation or other charges which are a substantial portion of the charge, the owner or operator may allocate the accommodation charge using one of the following:

(a) A flat rate of ~~\$30~~ the allowable state reimbursement for the standard cost of in state lodging per day per person;

(b) and (c) remain the same.

(2) remains the same.

(3) The department may disallow an owner or operator's method of allocating the accommodation charge under (1) above if the department has reasonable cause to believe that the method of allocation was chosen solely to qualify the facility for a tax exemption on the basis ~~that of the ADAC was \$14.98 a day or less~~. In such cases, the department will select a method of allocating the accommodation charge that reasonably reflects the accommodation charge for comparable facilities.

(4) and (5) remain the same.

(AUTH: Sec. 15-65-102, MCA; IMP, Sec. ~~2-8-501~~, ~~2-18-501~~ and 15-65-111, MCA)

3. ARM 42.14.102, 42.14.103, and 42.14.105 are proposed to be amended because House bill 74 increased the amount authorized under 2-18-501, MCA, for the actual cost of lodging for state employees in Montana. This amendment in the law changed the amount by which a hotel, motel, hostel, public lodginghouse or a bed and breakfast facility can be exempt for the lodging facility use tax (accommodation tax). Section 15-65-101, MCA, states that if a facility whose average daily accommodation charge for single occupancy does not exceed 60% of the amount authorized under 2-18-501, MCA, the facility is exempt. The state rate was increased from \$30 to \$35 per day. Therefore, the average daily accommodation charge increased from \$18.72 to \$21.84. This rate is reflected in the amendments proposed to these rules. The implementing statute is corrected from 2-8-501 to 2-18-501, MCA.

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

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Cleo Anderson  
Department of Revenue  
Office of Legal Affairs  
Mitchell Building  
Helena, Montana 59620

no later than December 1, 1997.

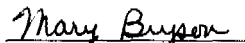
5. If a person who is directly affected by the proposed amendments wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Cleo Anderson at the above address no later than December 1, 1997.

6. If the agency receives requests for a public hearing on the proposed action 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 no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be greater than 25.

7. All parties interested in receiving notification of any change in rules pertaining to this subject should contact the Rule Reviewer in writing at:

Cleo Anderson  
Department of Revenue  
Office of Legal Affairs  
Mitchell Building  
Helena, Montana 59620

  
CLEO ANDERSON  
Rule Reviewer

  
MARY BRYSON  
Director of Revenue

Certified to Secretary of State October 20, 1997

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PROPOSED AMENDMENT
amendment of ARM 44.10.331	)	
regarding limitations on	)	
receipts from political	)	
committees	)	NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons.

1. On December 5, 1997, the Commissioner of Political Practices proposes to amend Rule 44.10.331, which applies limitations on receipts from political committees.

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

44.10.331. LIMITATIONS ON RECEIPTS FROM POLITICAL COMMITTEES

(1) Pursuant to the operation specified in 13-37-218, and 15-30-101(8), MCA, limits on total combined contributions from political committees other than political party committees to legislative candidates are as follows:

(a) a candidate for the state house of representatives may receive no more than ~~\$1100~~ \$1150;

(b) a candidate for the state senate may receive no more than ~~\$1850~~ \$1950.

(2) These limits apply to total combined receipts for the entire election cycle of ~~1996~~ 1998.

(3) Pursuant to 13-37-218, MCA, in-kind contributions must be included in computing these limitation totals.

AUTH: 13-37-114, MCA

IMP: 13-37-218, MCA


3. Rule 44.10.331 is being amended because the aggregate limitation on contributions from political committees to candidates for the State House of Representatives and State Senate has been changed to reflect the current year's consumer price index as mandated by statute.

4. Interested parties may submit their data, views or arguments concerning the proposed amendment in writing to the Commissioner of Political Practices, 1205 8th Avenue, PO Box 202401, Helena, MT 59620-2401. Any comments must be received no later than December 2, 1997.

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 the Commissioner of Political Practices, 1205 8th Avenue, PO Box 202401, Helena, MT 59620-2401. A written request for hearing must be received no later than December 2, 1997.

6. If the Commissioner receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the administrative code committee of the legislature, from a governmental subdivision or agency; or from an association having not 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 27 persons based on the 269 state legislative candidates in the 1996 election cycle.

7. The Commissioner of Political Practices maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their names added to the list shall make a written request which includes the name and mailing address of the person to receive notice. Such written request may be mailed or delivered to the Commissioner of Political Practices at P.O. Box 202401, 1205 Eighth Avenue, Helena, MT 59620-2401, or faxed to (406) 444-1643, or may be made by completing a request form at any rules hearing held by the Commissioner of Political Practices.

  
JIM SCHEIER, Rule Reviewer

  
ED ARGENBRIGHT, Commissioner

Certified to the Secretary of State October 20, 1997.



In the matter of the ) NOTICE OF AMENDMENT  
amendment of Rule 6.6.4002 )  
pertaining to definitions )  
of money market funds. )  
)

1. On September 8, 1997, the state auditor and commissioner of insurance of the state of Montana published notice of proposed amendment of Rule 6.6.4002 pertaining to money market funds. The notice was published at page 1502 of the 1997 Montana Administrative Register, issue number 17.

3. No comments or testimony were received.

By :

By:

Certified to the Secretary of State on this 17th day of  
October, 1997.

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

In the matter of the ) NOTICE OF AMENDMENT  
amendment of Rule 6.6.5101 )  
regarding the plan of )  
operation of the small )  
employer health reinsurance )  
program. )  
)

TO: All Interested Persons

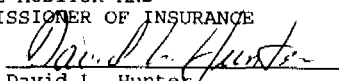
1. On September 8, 1997, the state auditor and commissioner of insurance of the state of Montana published notice of proposed amendment of Rule 6.6.5101 regarding the plan of operation of the small employer reinsurance program. The notice was published at page 1500 of the 1997 Montana Administrative Register, issue number 17.

2. The agency has amended Rule 6.6.5101 exactly as proposed.

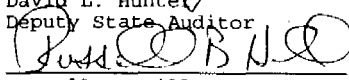
3. No comments or testimony were received.

MARK O'KEEFE  
STATE AUDITOR AND  
COMMISSIONER OF INSURANCE

By:

  
David L. Hunter  
Deputy State Auditor

By:

  
Russell B. Hill  
Rules Reviewer

Certified to the Secretary of State on this 17th day of  
October, 1997.

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

In the matter of the                    )     NOTICE OF ADOPTION  
adoption of new rule I                )  
(6.10.134) regarding trans-         )  
actional exemptions for                )  
cooperative associations.             )  
  )

TO: All Interested Persons

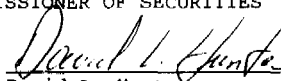
1. On September 8, 1997, the state auditor and commissioner of insurance of the state of Montana published notice of the proposed adoption of new rule I regarding transactional exemptions for cooperative associations. The notice was published at page 1496 of the 1997 Montana Administrative Register, issue number 17.

2. The agency has adopted new rule I (6.10.134) exactly as proposed.

3. No comments or testimony were received.

MARK O'KEEFE  
STATE AUDITOR AND  
COMMISSIONER OF SECURITIES

By:

  
David L. Hunter  
Deputy State Auditor

By:

  
Russell B. Hill  
Rules Reviewer

Certified to the Secretary of State on this 17th day of  
October, 1997.

BEFORE THE STATE LIBRARY COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment	)	
of ARM 10.101.101 and ARM 10.	)	NOTICE OF AMENDMENT
101.203 concerning the state	)	OF ARM 10.101.101
library commission and library	)	AND ARM 10.101.203
services advisory council	)	

TO: All Interested Persons

1. On July 7, 1997, the State Library Commission published notice of the proposed amendment of ARM 10.101.101 and ARM 10.101.203, concerning the state library commission and the library services advisory council at page 1119 of the 1997 Montana Administrative Register, issue number 13.

2. The Commission has adopted the amendments as proposed in the original notice.

3. There were no attendees at the public hearing and no comments were received.

By: Karen Stuge

by Darlene Stoffeldt

Karen Stuge  
State Librarian and  
Rule Reviewer

Certified to the Secretary of State October 20, 1997

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

In the matter of the adoption ) NOTICE OF ADOPTION OF  
of rule I and rule II concerning ) RULE I (ARM 36.11.311)  
the streamside management zone ) AND RULE II (ARM 36.11.312)

To: All Interested Persons.

1. On September 8, 1997, the Department of Natural Resources and Conservation published notice of the proposed adoption of rule I and rule II concerning the streamside management zone, at page 1552 of the 1997 Montana Administrative Register, Issue No. 17.

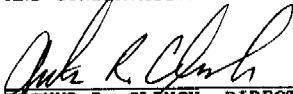
2. The department has adopted the rules as proposed.

AUTH: 77-5-307, MCA

IMP: 77-5-302 and 77-5-307, MCA

3. No comments were received.

DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION



ARTHUR R. CLINCH, DIRECTOR



DONALD D. MACINTYRE, RULE REVIEWER

Certified to the Secretary of State October 20, 1997

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

In the matter of the	)	NOTICE OF AMENDMENT
amendment of rule 16.32.302	)	
pertaining to minimum	)	
standards of construction for	)	
a licensed health care	)	
facility	)	

TO: All Interested Persons

1. On September 8, 1997, the Department of Public Health and Human Services published notice of the proposed amendment of rule 16.32.302 pertaining to minimum standards of construction for a licensed health care facility at page 1574 of the 1997 Montana Administrative Register, issue number 17.
2. The Department has amended rule 16.32.302 as proposed.
3. No comments or testimony were received.

*Dawn Olson*  
Rule Reviewer

*Michael J. Bellows Jr.*  
Director, Public Health and  
Human Services

Certified to the Secretary of State October 20, 1997.

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES  
OF THE STATE OF MONTANA

In the matter of the adoption of new )  
Rules I and II pertaining to lobbying) NOTICE OF ADOPTION  
activities and reporting of lobbying ) OF RULES  
payments by principals )

TO: All Interested Persons.

1. On May 5, 1997, the Commissioner of Political Practices (Commissioner) published a notice of public hearing on the proposed adoption of rules pertaining to lobbying activities and reporting of lobbying payments by principals at page 829 of the 1997 Montana Administrative Register, issue no. 9.

2. On June 18, 1997, at 9:00 a.m., a public hearing was held in the Old Supreme Court Chambers in the State Capitol, Helena, Montana. Written comments were accepted through June 27, 1997.

3. After consideration of the comments received, the Commissioner has adopted the rules as proposed, with the following changes (new material is underlined; material to be deleted is interlined):

RULE I (44.12.102) LOBBYING--DEFINITIONS AND SCOPE--REPORTABLE ACTIVITIES (1) For purposes of Title 5, chapter 7, MCA, and these rules:

(a) "Administrative action" means any action taken by a public official in any agency, department, division, office, board, or commission of state government with regard to any proposal for or drafting, development, or consideration of a policy, practice, or rule to be published and used by the official or agency. "Administrative action" does not include actions that are judicial, quasi-judicial, or ministerial in nature.

(b) "Direct communication" includes face-to-face meetings, telephone conversations, and written or electronic correspondence or communication.

~~(b) "Individual" shall have the definition set forth at 5-7-102(5), MCA.~~

(c) "Legislative action" means any action by a legislator with regard to introduction of a bill, resolution, or amendment, or with regard to any bill, resolution, amendment, report, appointment, recommendation, nomination, election, proposed or final proposed rule or other matter proposed for consideration by or pending in the Montana legislature or in any committee of the Montana legislature. the introduction or enactment of legislation, including acts that result in the creation of law or declaration of public policy, and other actions of the legislature authorized by Article V of the Montana Constitution.

(d) "Lobbyist" shall have the definition set forth at 5-7-102(8), MCA.

(e) "Official action" means legislative action or administrative action, or both, ~~as required by depending on the context in which the phrase is used, so that its meaning is inclusive rather than exclusive.~~

(f) "Payment" and "payment to influence official action" shall have the definitions set forth at 5-7-102(9) and (10), MCA.

(g) "Principal" shall have the definition set forth at 5-7-102(12), MCA.

(h) "Public official" shall have the definition set forth at 5-7-102(13), MCA.

(2) Pursuant to ~~"Lobbying"~~ shall have the definition set forth at 5-7-102(6)(a) and (b), MCA. ~~"lobbying" means the practice of promoting or opposing legislative, administrative, or official action. Unless otherwise exempted from the definition of "lobbying" by ARM 44.12.101 Title 5, chapter 7, MCA, or these rules, lobbying activities shall include, without limitation:~~

(a) ~~any direct communications (including but not limited to face-to-face meetings, telephone conversations or written correspondence) by a lobbyist with a public official to promote or oppose legislative or administrative action;~~

(b) ~~all time spent by a lobbyist to deliver present oral or written testimony promoting or opposing official action by any public official or group of public officials, including the legislature or a committee of the legislature;~~

(c) ~~all time spent by a lobbyist:~~

(i) ~~at the State Capitol or other meeting location of the Montana legislature, during any regular or special legislative session of the legislature, during which time the lobbyist makes personal contact engages in direct communication with a legislator or legislators, to promote or oppose legislative action; or~~

(ii) ~~at any interim legislative committee meeting at which any pending or proposed legislative action is considered, on which a principal of the lobbyist has taken or takes a position; during which time the lobbyist makes personal contact engages in direct communication with a legislator or legislators, to promote or oppose said pending or proposed legislative action;~~

(d) ~~all time spent by a lobbyist attending a meeting of, or hearing before, a public official or group of public officials at which any pending or proposed official action is considered, on which a principal of the lobbyist has taken or takes a position promoting or opposing said official action, during which time the lobbyist makes personal contact engages in direct communication with the public official or group of public officials to promote or oppose said pending or proposed official action.~~

(e) ~~all time spent by a lobbyist conducting a lobbying campaign, including time spent working with other lobbyists, for the purpose of promoting or opposing official action.~~

AUTH: 5-7-111, MCA

IMP: 5-7-102, 5-7-111, MCA



STATEMENT OF REASONS: The rule as proposed was changed to clarify that lobbying entails direct communication with a legislator or other public official, or the legislature or a group of public officials. See United States v. Harriss, 347 U.S. 612, 620 (1954); United States v. Rumely, 345 U.S. 41, 46 (1953); and Montana Automobile Ass'n v. Greely 193 Mont. 378, 632 P.2d 300 (1981). A definition of the phrase "direct communication" was added to provide further guidance regarding what activities must be reported.

The definition of "legislative action" was clarified to make it consistent with Montana law. The original definition was felt to be too broad. The revised definition is similar to the definition of the phrase "legislative act" in Montana Code Annotated 2-9-111(1)(c).

Subsection (2)(e) was deleted because it is inconsistent with the law as expressed in United States v. Harriss, 347 U.S. 612 (1954) and Montana Automobile Ass'n v. Greely, 193 Mont. 378, 632 P.2d 300 (1981).

RULE II (44.12.202) PRINCIPALS -- REPORTS (1) Pursuant to 5-7-208, MCA, a principal shall report all payments made for the purpose of lobbying.

(a) Reports shall include, without limitation, all payments made to a lobbyist to influence official action (as those terms are defined in 5-7-102(9) and (10), MCA), including payments made for any lobbying activity specified in these rules.

~~(b) In each lobbying report submitted pursuant to 5-7-208, MCA, a principal must declare payments made to a lobbyist for the activities and the expenses set forth in 5-7-208(5), MCA.~~

~~(c) (b) Even if a principal declares that it made no payments for lobbying activities during a reporting period, the principal must file a lobbying report as provided in 5-7-208, MCA.~~

AUTH: 5-7-111, MCA

IMP: 5-7-208, MCA

STATEMENT OF REASONS: Subsection (1)(b) was deleted because it was determined to be unnecessary.

4. Oral and written comments regarding the proposed rules were received. The Commissioner has thoroughly considered the comments received. Those comments, and the Commissioner's responses thereto, are as follows:

COMMENT: The final rules should be expanded to include other lobbying activities, such as preparation of testimony,

time spent tracking bills, monitoring the development or progress of official action, and discussing with other lobbyists ways to influence official action.

**RESPONSE:** Case law indicates that to avoid possible constitutional problems lobbying activities should be limited to representations made directly to the legislature or other public officials. See United States v. Harriss, 347 U.S. 612 (1954) and Montana Automobile Ass'n v. Greely, 193 Mont. 378, 632 P.2d 300 (1981).

**COMMENT:** The rule should contain definitions of the terms "quasi-judicial," "ministerial," and "appointed official."

**RESPONSE:** The terms can be understood by reference to the statutory definition of "public official" in Montana Code Annotated 5-7-102(13) and Montana case law (e.g., State Bar of Montana v. Krivec, 193 Mont. 477, 632 P.2d 707 (1981)). Thus, it was determined that it is not necessary to include definitions in the text of the rule.

**COMMENT:** The Commissioner has no authority to define the phrase "administrative action," because the statute does not include the phrase.

**RESPONSE:** Inclusion of a definition of the phrase "administrative action" provides guidance for reporting of activities in the field of nonlegislative lobbying. The Montana Supreme Court has recognized that the law applies to nonlegislative lobbying, and this rule clarifies those activities that must be reported. The Montana Supreme Court expressed its expectation that the Commissioner would promulgate rules that apply to lobbying activities covered by the law, including those in the area of nonlegislative lobbying. See State Bar of Montana v. Krivec, 193 Mont. 477, 632 P.2d 707 (1981).

**COMMENT:** The inclusion of a definition of the term "administrative action" exceeds the scope of the statute and expands the definition of "lobbying" beyond that which is set forth in the statute.

**RESPONSE:** The Commissioner disagrees. As noted, the phrase is intended to provide guidance regarding what activities are reportable in the field of nonlegislative lobbying. Montana Code Annotated 5-7-102(6)(b) provides that "lobbying" includes "the practice of promoting or opposing official action by any public official." A "public official" is "an individual, elected or appointed, acting in his official capacity for state government." Montana Code Annotated 5-7-102(13). Thus, the statute expressly provides that lobbying a "public official" is not limited to lobbying a legislator. The final version of the rule makes it clear that nonlegislative lobbying activities include only "direct communication" with a "public official" to

promote or oppose "administrative action" (as those terms are defined). In response to the concerns expressed by several of those submitting comments, it must be emphasized that one who does not appear before a public official as a proponent or opponent of specific administrative action is, by definition, not lobbying. The definition of the term "administrative action" is limited to actions taken by a public official regarding a "policy, practice, or rule to be published and used by the official or agency." This narrowly confines the field of activities that constitute administrative action.

**COMMENT:** The Commissioner cannot unilaterally determine that all work performed by a lobbyist constitutes lobbying based merely on the location of the activity. Any rule listing reportable lobbying activities must be consistent with the statute.

**RESPONSE:** The Commissioner agrees and the rule has been modified to address this concern.

**COMMENT:** The proposal to include all time spent conducting a "lobbying campaign" as a reportable lobbying activity is vague and overly broad.

**RESPONSE:** This subsection has been deleted from the final version of the rule because it is inconsistent with the law as expressed in United States v. Harriss, 347 U.S. 612 (1954) and Montana Automobile Ass'n v. Greely, 193 Mont. 378, 632 P.2d 300 (1981).

**COMMENT:** Rule II is unnecessary because the statute specifies what must be reported by principals.

**RESPONSE:** The Commissioner agrees that proposed subsection (1)(b) of the rule is unnecessary, given the explicit language of Montana Code Annotated 5-7-208. However, the Commissioner believes that the balance of this proposed rule is necessary to provide guidance as to what must be reported.

**COMMENT:** The State Bar of Montana expressed concerns that an attorney would be considered a "lobbyist" when he or she represents a client before an administrative agency of state government. This could result in constitutional problems since the Montana Supreme Court is charged with regulating the practice of law. The State Bar suggests that an attorney appearing under those circumstances should not be considered to be a "lobbyist."

**RESPONSE:** The Montana Supreme Court has already addressed this concern in State Bar of Montana v. Krivec, 193 Mont. 477, 632 P.2d 707 (1981):


[W]e do not find the Initiative as emended by this Court . . . to be so vague as to be unconstitutionally

uncertain, nor does it intrude on the powers of this Court to regulate the conduct of attorneys. As so construed, the Act applies equally to attorneys and nonattorneys acting in the field of nonlegislative lobbying. No reason appears why attorneys should enjoy especial dispensation from application of the Initiative when they are acting in that field. There is an obvious public interest in the regulation and disclosure of lobbying activities. [Emphasis added].

Id., 193 Mont. at 484-85, 632 P.2d at 712. Thus, when an attorney is paid by a principal to appear before a public official for the purpose of promoting or opposing official action, the attorney is engaged in lobbying.

5. Based on the foregoing, the Commissioner adopts the rules as proposed, with the changes noted above.

  
JIM SCHEIER, Rule Reviewer

  
ED ARGENBRIGHT, Commissioner

Certified to the Secretary of State October 20, 1997.

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

In the matter of the petition ) NOTICE OF PETITION FOR  
for declaratory ruling on the ) DECLARATORY RULING  
amendment of 37-24-106, MCA, to)  
add iontophoresis as an )  
additional modality option )

TO: All Interested Persons:

1. On December 3, 1997, at 9:00 a.m., the Board of Occupational Therapists will hold a public hearing in the Professional and Occupational Licensing conference room, Lower Level, Arcade Building, 111 North Jackson, Helena, Montana, to consider the petition for declaratory ruling on the amendment of 37-24-106, MCA, to add iontophoresis as an additional modality option.

2. Petitioner is Amy Moran, 623 W. Lewis, Livingston, Montana. Petitioner identified the following as other interested persons:

Mary Krenik, OTR/L, CHT  
Orthopedic Associates  
1145 N. 29th Street, Suite 100  
Billings, Montana 59101

Linda Botten, OTR/L, CHT  
Occupational Therapy Associates, P.C.  
206 N. Grand Avenue  
Bozeman, Montana 59715

Carta Carr, OTR/L, CHT  
Billings Deaconess Hospital  
Occupational Therapy Department  
P.O. Box 2547  
Billings, Montana 59103

Mary Churchill, OTR/L, CHT  
Barrett Memorial Hospital  
Dillon, Montana 59725

3. Iontophoresis, considered a deep electrical physical agent modality, is the induction of topically applied ions into the tissue by application of a low-voltage direct galvanic current. This transfer of ions can be effective in the treatment of inflammatory conditions or scar formation when the proper ion is introduced for the condition. The occurrence of iontophoresis is based on the principle that an electrically charged electrode will repel a similarly charged ion, much as magnets of like polarity repel.

4. Current practice suggests that additional personnel such as a physical therapist be involved in providing this physical agent modality. This increases the cost to the

consumer, by an additional practitioner's charge, or the occupational therapist must refer the consumer to another provider (i.e.: physical therapist, and not see a consumer, even if the occupational therapist is the most qualified practitioner such as the case of a hand injury, when the qualified occupational therapist is a certified hand therapist). The consumer is then subject to a less qualified provider, who might not have the skills necessary to provide the total care to that consumer's hand injury, and the recovery rate is lengthened or not adequate, causing additional costs or poor outcomes to the consumer.

5. Petitioners propose that qualified occupational therapists, those permitted by Montana law, to apply deep and superficial physical agent modalities, be permitted to apply iontophoresis after the medications have been dispensed in the transdermal pad.

6. The relief requested is that the issue presented be answered in the affirmative.

7. Petitioners are aware of no Montana statute or regulation which prohibits Petitioners' activities as described in this Petition. To Petitioners' knowledge the relevant statute is this:

Montana Code Annotated Section 37-24-106. MCA

37-24-106. Use of sound and electrical physical agent modalities. A person may not utilize occupational therapy techniques involving sound or electrical physical agent modality devices unless the person:

- (1) is licensed under this chapter;
- (2) limits application of sound and electrical physical agent modalities to the elbow, forearm, wrist, or hand to restore and enhance hand function; and
- (3)(a) provides to the board documentation of certification by the hand certification commission, inc., and has successfully completed 40 hours of instruction or training in sound and electrical physical agent modality devices and documents competency, as approved by the board, in the areas provided in 37-24-105(1)(c); or
- (b) has successfully completed 100 hours of instruction or training in sound and electrical physical agent modality devices and documents competency, as approved by the board, in the areas provided in 37-24-105(1)(c).

8. 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., November 26, 1997, to advise us of the nature of the accommodation that you need. Please contact Helena Lee, Board

of Occupational Therapists, 111 N. Jackson, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 444-5433; 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 process should contact Helena Lee.

9. 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 Occupational Therapists, 111 North Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile, number (406) 444-1667, to be received no later than the close of hearing, December 3, 1997.

10. R. Perry Eskridge, attorney, has been designated to preside over and conduct this hearing.

BOARD OF OCCUPATIONAL THERAPISTS  
LYNN BENSON, OTR, CHAIRMAN

BY: \_\_\_\_\_

ANDY POOLE, DEPUTY DIRECTOR  
DEPARTMENT OF COMMERCE

Carol Grell  
CAROL GRELL, RULE REVIEWER

Certified to the Secretary of State, October 20, 1997.

NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

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

The Administrative Code Committee has the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. In addition, the Committee may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt or amend a rule.

The Committee welcomes comments from the public and invites members of the public to appear before it or to send it written statements in order to bring to the Committee's attention any difficulties with the existing or proposed rules. The address is Room 138, Montana State Capitol, Helena, Montana 59620.



HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE  
MONTANA ADMINISTRATIVE REGISTER

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

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

Use of the Administrative Rules of Montana (ARM):

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

## ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through June 30, 1997. This table includes those rules adopted during the period July 1, 1997 through September 30, 1997 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 June 30, 1997, 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 1996 and 1997 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.

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- 6.6.4002 Definitions of Money Market Funds, p. 1502
- 6.6.4101 Accreditation Fees, p. 1623
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