

EFFECTS OF SENATE BILL 445

The 2001 Legislature passed SB 445 (Chapter 483) that became law on July 1, 2001. This bill removes numerous functions from the Department of Commerce and places them under the responsibility of other agencies, primarily, the Department of Labor and Industry.

The following areas of Department of Commerce will be under the jurisdiction of the:

Department of Labor and Industry

- Professional and Occupational Licensing
- Building Codes
- Weights and Measures

Department of Administration

- Consumer Affairs
- Banking and Financial Institutions
- Board of County Printing
- Montana State Lottery
- Local Government Audit and Assistance
- Burial Preservation Board

Department of Livestock

- Horseracing

Beginning with 2001 Montana Administrative Register Issue No. 13, the former Department of Commerce rules will be located under their respective new agencies. For instance, all Professional and Occupational Licensing Board rules will be found under Title 24, Department of Labor and Industry.

In the Administrative Rules of Montana, all Department of Commerce rules affected by this legislation will remain in Title 8 until transferred to their new title locations.

Please contact the Administrative Rules Bureau at (406) 444-2055 if you have questions or concerns. We appreciate your patience.

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 13

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Administrative Rules Bureau at (406) 444-2055.

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

In the matter of the proposed)	NOTICE OF PROPOSED
amendment of ARM 6.6.4202,)	AMENDMENT AND ADOPTION
6.6.4203, 6.6.4204, 6.6.4205,)	
6.6.4209, 6.6.4210, 6.6.4211,)	
6.6.4212, and adoption of)	NO PUBLIC HEARING
Rule I pertaining to)	CONTEMPLATED
continuing education program)	
for insurance producers and)	
consultants)	

TO: All Concerned Persons

1. On August 24, 2001, the state auditor and commissioner of insurance proposes to amend ARM 6.6.4202, 6.6.4203, 6.6.4204, 6.6.4205, 6.6.4210, 6.6.4211, 6.6.4212 and adopt Rule I pertaining to continuing education program for insurance producers and consultants.

2. The State Auditor's Office will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the office no later than 5:00 p.m., July 25, 2001, to advise us as to the nature of the accommodation needed. Please contact Kevin Phillips, State Auditor's Office, 840 Helena Avenue, Helena, Montana 59601; telephone (406) 444-3496; Montana Relay 1-800-332-6145; TDD (406) 444-3246; facsimile (406) 444-3497; or e-mail address kephillips@state.mt.us.

3. The proposed amendments provide as follows (new text is underlined; text to be deleted is interlined):

6.6.4202 DEFINITIONS For the purposes of this subchapter, the following terms have the following meanings:

(1) through (4) will remain the same.

~~(5) "Correspondence study" means those independent study methods taught outside the classroom setting through approved text(s), audiovisual materials or other method of information exchange.~~

(6) will remain the same but is renumbered (5).

(7) will remain the same but is renumbered (6).

(8) will remain the same but is renumbered (7).

(9) will remain the same but is renumbered (8).

(10) will remain the same but is renumbered (9).

(10) "Self study" means those independent study methods taught outside the classroom setting through approved text, audiotape materials, videotape materials or another method of information exchange.

(11) "Sponsoring organization" means any group(s) or organization(s) and their agent(s) that submits courses for

department review and offers or provides approved courses for continuing education credit to allow licensees to meet the requirements of 33-17-1204, MCA, and ~~is~~ are responsible for those course offerings, or any individual Montana insurance producer or consultant who submits a course pursuant to ARM 6.6.4203(14) for department review to allow that licensee to meet the requirements of 33-17-1203 and 33-17-1204, MCA. "Continuing education provider" has the same meaning as sponsoring organization.

AUTH: 33-1-313 and 33-17-1206, MCA
IMP: 33-17-1203 and 33-17-1204, MCA

6.6.4203 COURSE SUBMISSIONS (1) Except as provided in (14) below, and [New Rule I], the following standards, by which acceptability of submitted courses should be evaluated, must all be certified by the ~~sponsoring organization~~ continuing education provider:

(a) ~~T~~he practical and academic experience of each faculty member is sufficient to teach the subject assigned;i

(b) ~~T~~he course enhances the ability of a producer to provide insurance services to the public effectively;i

(c) ~~T~~he subject matter relates to professional ethics, where practicable.

(2) will remain the same.

(a) the name of the ~~sponsoring organization~~ continuing education provider;

(b) through (i) will remain the same.

(j) method of instruction, such as classroom, ~~correspondence,~~ self study, videotape, audiotape, teleconference, etc.;

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

(a) ~~I~~f a course is canceled for any reason, all charges are refundable in full, unless the refund policy is clearly defined in the enrollment application;i

(b) ~~I~~n all instances, the charges must be refunded within 45 days of cancellation;i

(c) ~~In the event a course is postponed for any reason, students must be given the choice of attending a course at a later date or having their charges refunded in full. The charges must be refunded within 45 days of postponement unless the sponsoring organization is notified that the student has chosen to attend a course. in the event that a continuing education provider postpones a course for any reason, the provider must give the students a choice of attending a course at a later date or having their charges refunded in full. The provider must refund the charges within 45 days of the postponement unless the student notifies the provider that the student has chosen to attend a later course.~~

(d) ~~A sponsoring organization a continuing education provider~~ may have a refund policy addressing a student's cancellation or failure to complete a course, as long as that policy is made clear to potential students.

(6) ~~A sponsoring organization continuing education provider~~ must provide proof of course completion to each course participant who successfully completes the approved course of study within one month of course completion or prior to the end of the calendar year during which the participant completed the course. ~~The sponsoring organization shall be granted commissioner may grant the continuing education provider~~ up to 2 months to provide such proof of course completion, if the ~~sponsoring organization continuing education provider~~ notifies the course participants in writing, in advance of the course.

(7) ~~Sponsoring organizations Continuing education providers~~ who add qualified course instructors after a course is approved must submit the ~~name(s) names~~ of those instructors to the commissioner prior to the course offering.

(8) will remain the same.

(9) ~~Sponsoring organizations Continuing education providers~~ must resubmit courses for new review and certification whenever significant changes in course content are made.

(10) ~~Course submissions that substantially or entirely address the following general course topics may be approved for reduced credit hours:~~ The commissioner:

- ~~(a) psychology;~~
- ~~(b) motivation;~~
- ~~(c) prospecting;~~
- ~~(d) supportive office skills;~~
- ~~(e) time management;~~
- ~~(f) agent recruiting;~~
- ~~(g) computer training or programming;~~
- ~~(h) computer science; or~~
- ~~(i) pre-license training~~

(a) will only award credits for courses whose subject matter will increase the technical knowledge of insurance principles, coverages, laws or regulations;

(b) will not award credit hours for courses whose subject matter is:

- (i) personal improvement;
- (ii) motivation;
- (iii) time management;
- (iv) supportive office skills; or
- (v) any topics not related to insurance knowledge.

(11) ~~The number of credit hours assigned to a course will normally be based upon the classroom or contact time, or the equivalent hours for a correspondence course. If any credits are awarded for sales or marketing, those credits will be separately noted on the course approval document. Credits for sales or marketing may only be awarded in states that are permitted by law or regulation to accept credit for those topics. The commissioner shall award one credit for each 50 minutes of contact instruction. The commissioner will award credit hours for a self-study course based on the hours required to complete that course.~~

(12) ~~Based on the evaluation of the course material submitted, the number of credit hours assigned may, for some~~

~~courses, be less than the total amount of time spent by the licensee in the course. The minimum number of credits that the commissioner may award is one credit.~~

(13) ~~No activity course may be advertised as having been approved for credit by the commissioner until the sponsoring organization continuing education provider receives written approval from the commissioner.~~

(14) through (15) will remain the same.

AUTH: 33-1-313, 33-17-1206, MCA

IMP: 33-17-1204, MCA

6.6.4204 QUALIFICATIONS FOR INSTRUCTORS (1) ~~In order for a course to be approved, all involved Unless exempted by [New Rule I],~~ instructors must meet the following qualifications for the commissioner to approve the course:

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

AUTH: 33-1-313 and 33-17-1206, MCA

IMP: 33-17-1204, MCA

6.6.4205 EXAMINATIONS (1) will remain the same.

(2) ~~For each approved course, the sponsoring organization continuing education producer must shall~~ maintain a pool of tests sufficient to maintain the integrity of the testing process.

(3) ~~Examinations must be administered, monitored, graded, and the results recorded by the sponsoring organization. The continuing education provider shall administer, monitor, grade and record the results of the test.~~

(4) ~~Completed tests will be retained by the sponsoring organization The continuing education provider shall retain completed tests~~ for a period of not less than 12 months and the tests must not be returned to any licensee.

(5) will remain the same.

AUTH: 33-1-313 and 33-17-1206, MCA

IMP: 33-17-1204, MCA

6.6.4209 COURSE AUDIT (1) will remain the same.

(2) ~~Sponsoring organization records must be made available to the commissioners staff for audit, at department request. A continuing education provider shall provide records at the commissioner's request.~~

AUTH: 33-1-313, 33-17-1206, MCA

IMP: 33-17-1203, 33-17-1204 and 33-17-1205, MCA

6.6.4210 SANCTIONS AGAINST COURSES AND SPONSORING ORGANIZATION CONTINUING EDUCATION PROVIDER SUSPENSION

(1) will remain the same.

(a) ~~The~~ program teaching method or program content no longer meet the standards of these rules or have been significantly changed without approval of the commissioner; or

(b) ~~The sponsoring organization continuing education provider~~ certifies that an individual has completed a program in accordance with the standards established for certification or completion of the program, when in fact the individual has not done so; or

(c) ~~Individuals who have satisfactorily completed the program in accordance with the standards established for certification or completion were not so certified by the sponsoring organization or instructor; or the continuing education provider did not certify licensees who satisfactorily completed the program in accordance with the provider's standards for certification or completion;~~

(d) ~~The instructor or sponsoring organization continuing education provider~~ no longer meets the standards of these rules, has had a license revoked or placed under probationary approval, or lacks education or experience in the subject matter of the proposed courses.

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

AUTH: 33-1-313, 33-17-1206, MCA

IMP: 33-17-1204 and 33-17-1205, MCA

6.6.4211 REQUESTS FOR RECONSIDERATION OF CREDIT HOUR ASSIGNMENT (1) ~~A sponsoring organization continuing education provider~~ may request reconsideration of the credit hours assigned to a course. Such requests must:

(a) ~~Be~~ in writing;

(b) ~~Include any additional supporting documentation on which the request is based;~~ to include documentation to show how many blocks of 50 minute instruction are in the course of instruction; and

(c) ~~Be~~ submitted to the commissioner within 20 business days of notification to the ~~sponsoring organization continuing education provider~~ of assignment of credit hours to the course.

(2) ~~Requests for consideration, the original course submission and any additional materials provided to support the request will be presented at the next corporal meeting, as defined in 2-3-202, MCA, of the advisory council. The advisory council, at its next meeting, shall evaluate any submitted requests for reconsideration, the original course submission and any additional materials provided to support the request for reconsideration.~~

(3) After evaluating the request for reconsideration, the advisory council may recommend to the commissioner to increase, decrease or maintain the credit hours assigned to the course. The council shall only recommend one credit per 50 minutes of instruction.

(4) and (5) will remain the same.

(6) ~~Decreased credit hours assigned to a course by the commissioner will be granted licensees who complete the course after notification to the sponsoring organization of assignment of revised credit hours to the course. After the commissioner decreases the credit hours assigned for a course, the commissioner shall notify the continuing education provider.~~

The provider shall then notify the licensees who have completed the course.

AUTH: 33-1-313 and 33-17-1206, MCA
IMP: 33-17-1204, MCA

6.6.4212 REQUESTS FOR RECONSIDERATION OF COURSE DISAPPROVAL (1) A ~~sponsoring organization~~ continuing education provider may request reconsideration of the commissioner's disapproval of a course. Such requests must:

- (a) ~~B~~e in writing;
 - (b) ~~I~~nclude any additional supporting documentation on which the request is based; and
 - (c) ~~B~~e submitted to the commissioner within 20 days of notification to the ~~sponsoring organization~~ continuing education provider of disapproval of the course.
- (2) through (5) will remain the same.

AUTH: 33-1-313 and 33-17-1206, MCA
IMP: 33-17-1204, MCA

4. The proposed new rule will provide as follows:

RULE I CONDITIONS OF NON-RESIDENT CONTINUING EDUCATION PROVIDERS (1) The following conditions apply to nonresident continuing education providers whose state has signed a compact regarding providers that includes this state as a signatory:

- (a) the commissioner may not require the continuing education provider to file courses for substantive review that have been awarded credit by the continuing education provider's resident state. However, the provider shall file a course outline with the commissioner. The provider shall also file the instructors' names and social security numbers;
- (b) once the continuing education provider's resident state reviews and approves the instructor's qualifications, the commissioner may not review the instructor's qualifications again;
- (c) the commissioner may disapprove instructors or continuing education providers who have been the subject of disciplinary proceedings or who have otherwise failed to comply with a state's laws and rules;
- (d) the commissioner agrees to notify other states when a continuing education provider has been the subject of a formal administrative action or other disciplinary action;
- (e) the commissioner shall accept the midwest zone standard continuing education form or a substantially similar form provided by a non-resident continuing education provider;
- (f) the commissioner shall award a course the same number of credits and will accept all course topics as approved by the continuing education provider's resident state;

(g) a continuing education provider shall pay the commissioner a \$75 fee for each course submitted as required by 33-17-1204, MCA;

(h) the commissioner is not required to accept any topic, provider or instructor that is not eligible for approval under this state's laws and regulations.

AUTH: 33-1-313 and 33-17-1206, MCA
IMP: 33-17-1204, MCA

REASON: In 1993, the Montana Legislature passed Senate Bill 354, the Insurance Producer and Consultant Education Act. The Act outlines basic requirements for producers and consultants. The act also gives authority to an advisory council in the council's review of continuing education courses. Senate Bill 354 also gives the commissioner authority to adopt rules to implement the act. Rules were subsequently enacted.

ARM 6.6.4202 through 6.6.4212 are being amended to change sentences from passive to active voice for ease in understanding, for key terms to better comport with a national association of insurance commissioners compact on continuing education, the "midwest zone declaration regarding declaration regarding continuing education course approval," and lastly, for more uniformity in the awarding of credits by granting one credit per 50 minutes of instruction.

RULE I is reasonably necessary because the legislature gave the department the authority to adopt rules and also to regulate a situation that is perilous to public health, safety or welfare. The legislature wrote in the statement of intent that the rules adopted to implement the bill should be principally to protect the insurance-buying public in Montana by ensuring that insurance producers and consultants complete appropriate education activities as a condition of continued licensure. The purpose of the new rule is to provide protection to the Montana public while providing a process to continuing education providers whose state has signed a compact regarding continuing education providers in which this state is a signatory.

5. Concerned persons may present their data, views, or arguments concerning the proposed actions in writing to Kevin F. Phillips, Montana Insurance Department, 840 Helena Avenue, Helena, Montana 59601, or by e-mail to kephillips@state.mt.us, and must be received no later than August 3, 2001.

6. If persons who are directly affected by the proposed actions wish to express their data, views and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to Kevin F. Phillips, Montana

Insurance Department, 840 Helena Avenue, Helena, Montana 59601, or by e-mail to kephillips@state.mt.us. A written request for hearing must be received no later than August 2, 2001.

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 rule review 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 22 persons based on the 220 persons who have indicated interest in the rules of this agency and who the agency has determined could be directly affected by these rules.

8. The State Auditor's Office 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 and specifies whether the person wishes to receive notices regarding insurance rules, securities rules, or both. Such written request may be mailed or delivered to the State Auditor's Office, 840 Helena Avenue, Helena, MT 59601, faxed to 406-444-3497, e-mailed to dsautter@state.mt.us, or may be made by completing a request form at any rules hearing held by the State Auditor's Office.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

JOHN MORRISON, State Auditor
and Commissioner of Insurance

By: /s/ Angela Caruso
Angela Caruso
Deputy Insurance Commissioner

By: /s/ Elizabeth L. Griffing
Elizabeth L. Griffing
Rules Reviewer

Certified to the Secretary of State on June 25, 2001.

BEFORE THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF COMMERCE
STATE OF MONTANA
(As of July 1, 2001, the Department of Labor and Industry)

In the matter of the proposed) NOTICE OF PUBLIC HEARING
amendment of ARM 8.48.1105) ON PROPOSED AMENDMENT
pertaining to fees)

TO: All Concerned Persons

1. On July 30, 2001, at 9:00 a.m., a public hearing will be held in the Business Standards Division conference room, #B-07, Federal Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rule.

2. The Department 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 require an accommodation, contact the Board of Professional Engineers and Land Surveyors no later than 5:00 p.m., on July 20, 2001, to advise us of the nature of the accommodation that you need. Please contact Todd Boucher, Board of Professional Engineers and Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2368; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail compolpel@state.mt.us.

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

8.48.1105 FEE SCHEDULE (1) Fees shall be transmitted ~~by check payable~~ to the board of professional engineers and land surveyors. The board assumes no responsibility for loss in transit of such remittances. Applicants not submitting the proper fees will be notified by the department.

(2) will remain the same.

~~(3) The biennial renewal fee for registration as a professional engineer or professional land surveyor shall be \$60. For professional engineers-surveyors (ES), it shall be \$80. For partnership or corporation certificates of authorization it shall be \$25. Fees are as follows:~~

<u>(a) Engineer interns</u>	
<u>(i) Initial application and examination</u>	<u>\$ 80</u>
<u>(ii) Re-examination</u>	<u>70</u>
<u>(b) Land surveyor interns</u>	
<u>(i) Initial application and examination</u>	<u>95</u>
<u>(ii) Re-examination</u>	<u>85</u>
<u>(c) Professional engineers</u>	
<u>(i) Initial application and examination for</u> <u>Montana engineer intern</u>	<u>150</u>
<u>(ii) Initial application and examination for</u> <u>non-Montana engineer intern</u>	<u>170</u>
<u>(iii) Re-examination</u>	<u>130</u>

(iv) Application by comity	250
(d) Professional land surveyors	
(i) Initial application and examination	175
(ii) Re-examination for principles and practices examination	140
(iii) Re-examination for Montana law specific	25
(iv) Application by comity	250
(e) Certificate of authority	
(i) initial application	60
(f) Biennial renewal fees	
(i) Professional engineer	90
(ii) Professional land surveyor	90
(iii) Dual license as a professional engineer and land surveyor	110
(iv) Certificate of authority	25
(g) Miscellaneous fees	
(i) Emeritus application	25
(ii) Reactivation from emeritus status	250
(iii) Reactivation from inactive status	60
(iv) Reschedule fee for examinations	25
(4) The remainder of the fees shall be as follows:	
(a) EIT application and test	\$ 60
(b) PE application and test (original)	130
(c) PE application and test for out-of-state EIT	150
(d) PE comity application	250
(e) LSIT application and test	60
(f) LS application and test	100
(g) LS comity and test	250
(h) ES comity and test	250
(i) Re-exam	60
(j) Partnership and corporation certificate of authorization original	60
(k) Emeritus application	25
(l) Reactivation fee, land surveyor and professional engineer	60

Auth: 37-1-134, 37-67-202, MCA
IMP: 37-1-319, 37-67-303, 37-67-312, 37-67-313, 37-67-315, 37-67-320, 37-67-321, MCA

REASON: The Montana Board of Professional Engineers and Land Surveyors is proposing increases for the biennial renewal fees as well as increases for application costs. These increases are being proposed because there is reasonable necessity to increase costs and the board is required pursuant to 37-1-134, MCA to establish fees commensurate with respective program area costs. During the last two bienniums the Board has been running in a deficit, which is partially due to an increase in board office staff, the move to the Federal Building, and overall increases in the daily administration of the Board.

The National Council of Examiners for Engineering and

Surveying (NCEES) has increased examination-grading fees and therefore the application fees which include the examination-grading fee, would need to be adjusted accordingly. (See Table 1.)

TABLE 1. NCEES GRADING FEE SCHEDULE

EXAMINATION	FEEES BEFORE 10/2000	FEEES AFTER 10/2000	INCREASE
Fundamentals of Engineering	\$25.00	\$45.00	\$20.00
Principles and Practices of Engineering	\$70.00	\$95.00	\$25.00
Structural I	\$70.00	\$95.00	\$25.00
Fundamentals of Land Surveying	\$60.00	\$60.00	None
Principles and Practices of Land Surveying	\$70.00	\$105.00	\$35.00

The increase in renewal fees will resolve the declining cash balance that would be noticed during non-renewal years. The increase in renewal fees is based on a projection of costs versus collected fees over the next three fiscal years. The proposed fee increases are:

- (a) From \$60 to \$90-for professional engineers and professional land surveyors, and
- (b) From \$80 to \$110-for dual licensed individuals (professional engineer surveyors).

The increase in revenue from the renewals for FY 2002-2003 would provide enough funding to administer the board through the non-renewal years (odd years). The comparison of fiscal year appropriations and projected revenue demonstrate the need for an increase in fees. For example with no increase in fees the appropriations for the 2003 biennium will be \$502,450 while the projected revenue would be \$409,080; which would result in a \$93,370 short fall. A second example would be with only an increase in application fees for the 2003 biennium, appropriations would be \$502,450 while the projected revenue would be \$433,780. With the proposed increase in renewal fees and increase in application fees, the appropriations for the 2003 biennium would be \$502,450 and the projected revenue would be \$559,745. The Board estimates that approximately 4100 licensees/applicants will be affected by the proposed fee increase.

4. Concerned 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 Professional Engineers and Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to compolpel@state.mt.us and must be received no later than 5:00 p.m., August 2, 2001. If comments are submitted in writing,

the Board requests that the person submit 10 copies of their comments.

5. An electronic copy of this Notice of Public Hearing is available through the Division's site on the Internet at http://discoveringmontana.com/dli/bsd/pol/pol_boards/pel_board/board_page.htm. The Department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered.

6. F. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

7. The Board of Professional Engineers and Land Surveyors maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. 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 that the person wishes to receive notices regarding all Board of Professional Engineers and Land Surveyors administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Professional Engineers and Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to compolpel@state.mt.us or may be made by completing a request form at any rules hearing held by the agency.

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

BOARD OF PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
WARREN SCARRAH, CHAIRMAN

By: /s/ Richard M. Weddle
Staff Attorney
Department of Commerce

By: /s/ Richard M. Weddle
Rule Reviewer

Certified to the Secretary of State, June 25, 2001.

BEFORE THE LOCAL GOVERNMENT ASSISTANCE DIVISION
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING ON
adoption of a new rule for the) PROPOSED ADOPTION
administration of the 2001)
Treasure State Endowment)
Program (TSEP))

TO: All Interested Persons:

1. On July 25, 2001, at 1:30 p.m., a public hearing will be held in the downstairs conference room at the Department of Commerce Building, 1424 Ninth Avenue, Helena, Montana, to consider the adoption of a new rule pertaining to the administration of the 2001 Treasure State Endowment Program (TSEP).

2. The Department of Commerce 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 require an accommodation, contact the Local Government Assistance Division no later than 5:00 p.m., on July 18, 2001, to advise us of the nature of the accommodation that you need. Please contact Richard M. Weddle, Local Government Assistance Division, 1424 Ninth Avenue, Helena, Montana 59620; telephone (406) 444-2781; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 444-4482; e-mail to rweddle@state.mt.us.

3. The proposed new rule provides as follows:

NEW RULE I INCORPORATION BY REFERENCE OF RULES FOR ADMINISTERING THE 2001 TREASURE STATE ENDOWMENT PROGRAM

(1) The department of commerce herein adopts and incorporates by this reference the Montana Treasure State Endowment Program 2001 Project Administration Manual published by it as rules for the administration of the TSEP.

(2) The rules incorporated by reference in (1) above, relate to the following:

- (a) project start up;
 - (b) environmental requirements;
 - (c) procurement requirements;
 - (d) financial management,;
 - (e) civil rights;
 - (f) labor requirements;
 - (g) property acquisition;
 - (h) public facilities construction management;
 - (i) involving the public;
 - (j) project monitoring;
 - (k) project closeout;
 - (l) preliminary engineering grants;
 - (m) emergency grants; and
 - (n) regional water system projects.
- (3) Copies of the regulations adopted by reference in

(1) of this rule may be obtained from the Department of Commerce, Local Government Assistance Division, P.O. Box 200501, Helena, Montana, 59620-0501.

Auth: Sec. 90-6-710, MCA
IMP: Sec. 90-6-710, MCA

REASON: It is reasonably necessary to adopt this rule because local government entities must be made aware of the Department's requirements for obtaining the funds that have been awarded by the 2001 Legislature and for managing the construction of their TSEP projects. The rule is also necessary to set out the requirements for administering newly authorized preliminary engineering, emergency and regional water system grants.

4. Concerned 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 Local Government Assistance Division, 1424 Ninth Avenue, Helena, Montana 59620; by facsimile to (406) 444-4482, or e-mail to rweddle@state.mt.us to be received no later than 5:00 p.m., August 2, 2001.

5. Richard M. Weddle has been designated to preside over and conduct this hearing.

6. The Local Government Assistance Division maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Division. 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 that the person wishes to receive notices regarding all Local Government Assistance Division administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Local Government Assistance Division, 1424 Ninth Avenue, Helena, Montana 59620 or by phone at (406) 444-2781, or may be made by completing a request form at any rules hearing held by the agency.

7. The notice requirements of 2-4-302, MCA, do not apply.

LOCAL GOVERNMENT ASSISTANCE DIVISION
DEPARTMENT OF COMMERCE

By: /s/ Richard M. Weddle
RICHARD M. WEDDLE, STAFF ATTORNEY
DEPARTMENT OF COMMERCE

By: /s/ Richard M. Weddle
RICHARD M. WEDDLE, RULE REVIEWER

Certified to the Secretary of State June 25, 2001.

BEFORE THE CLASSIFICATION REVIEW COMMITTEE
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF AMENDMENT
amendment of ARM 6.6.8301,)
concerning updating references)
to the NCCI Basic Manual for)
Workers Compensation and)
Employers Liability Insurance)
1996 ed. and adoption of new)
classifications)

TO: All Concerned Persons

1. On May 24, 2001, the classification review committee published a notice of proposed amendment of ARM 6.6.8301 concerning updating references to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance 1996 ed. and adoption of new classifications at page 812, 2001 Montana Administrative Register, issue number 10.

2. The department has amended ARM 6.6.8301 exactly as proposed.

3. No comments or testimony were received.

CLASSIFICATION REVIEW COMMITTEE

By: /s/ Laurence Hubbard
Laurence Hubbard
Chairperson

By: /s/ Elizabeth L. Griffing
Elizabeth L. Griffing
Rules Reviewer

Certified to the Secretary of State June 25, 2001.

DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the transfer) NOTICE OF TRANSFER
of ARM Title 8, Chapter 78)
pertaining to consumer)
affairs, motor vehicles,)
and telemarketing)

TO: All Concerned Persons

1. Pursuant to Chapter 483, Laws of Montana 2001, effective July 1, 2001, the Office of Consumer Affairs is transferred from the Department of Commerce to the Department of Administration. In order to implement that legislation, the above-stated rules are transferred to the Department of Administration ARM Title 2, Chapter 61.

2. The Department of Commerce has determined that the transferred rules will be numbered as follows:

<u>OLD</u>	<u>NEW</u>	
8.78.101	2.61.101	Unlawful Acts or Practices
8.78.201	2.61.201	Definitions
8.78.202	2.61.202	Repairs, Estimates and Invoices
8.78.203	2.61.203	Repairs and Services
8.78.204	2.61.204	Motor Vehicle Sales
8.78.301	2.61.301	Disclosure Fees
8.78.401	2.61.901	Definitions (REPEALED)
8.78.402	2.61.902	License - Bond Requirements (REPEALED)
8.78.403	2.61.903	License - General Regulations (REPEALED)
8.78.404	2.61.904	Permit - Application Procedures (REPEALED)
8.78.405	2.61.905	Permit - General Regulation (REPEALED)
8.78.406	2.61.906	Violations (REPEALED)
8.78.501	2.61.401	Definitions
8.78.502	2.61.402	Correspondence
8.78.503	2.61.403	Procedures Adopted
8.78.504	2.61.404	Manufacturer's Informal Dispute Settlement Procedure - Certification
8.78.505	2.61.405	Manufacturer's Informal Dispute Settlement Procedure - Audit
8.78.506	2.61.406	Department's Dispute Resolution Procedure - When Available to Consumers
8.78.507	2.61.407	Arbitration Panels
8.78.508	2.61.408	Powers and Duties of Arbitrators
8.78.509	2.61.409	Consumer's Request for Arbitration
8.78.510	2.61.410	Manufacturer's Statement
8.78.511	2.61.411	Consumer Appeals Process
8.78.512	2.61.412	Notification of Parties and Arbitrators

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8.78.513	2.61.413	Representation by an Attorney
8.78.514	2.61.414	Conduct of Oral Arbitration Hearings
8.78.515	2.61.415	Conduct of Documentary Arbitration Hearings
8.78.516	2.61.416	Pre-Decision Settlement of Dispute
8.78.517	2.61.417	Record Keeping
8.78.518	2.61.418	Notice of Arbitration Decision
8.78.519	2.61.419	Post-Performance Date Contact
8.78.520	2.61.420	Notice of Resale of Returned Vehicle
8.78.601	2.61.501	Definitions
8.78.602	2.61.502	Forms and Procedures for Initial Registration and Bonding
8.78.603	2.61.503	Forms and Procedures for Registration Renewal
8.78.604	2.61.504	Telemarketing Fraud Consumer Awareness Program
8.78.605	2.61.505	Civil Action Enforcement Procedure

3. The transfer of rules is necessary because this program was transferred from the Department of Commerce to the Department of Administration by the 2001 legislature by Chapter 483, Laws of Montana 2001.

/s/ Mark A. Simonich
Director,
Department of Commerce

/s/ Richard M. Weddle
Rule Reviewer

Certified to the Secretary of State, June 25, 2001.

DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the transfer) NOTICE OF TRANSFER
of ARM Title 8, Chapter 80)
pertaining to Banking and)
Financial Institutions)

TO: All Concerned Persons

1. Pursuant to Chapter 483, Laws of Montana 2001, effective July 1, 2001, Banking and Financial Institutions is transferred from the Department of Commerce to the Department of Administration. In order to implement that legislation, the above-stated rules are transferred to the Department of Administration ARM Title 2, Chapter 59.

2. The Department of Commerce has determined that the transferred rules will be numbered as follows:

<u>OLD</u>	<u>NEW</u>	
8.80.101	2.59.101	Banks - Reserve Requirements
8.80.102	2.59.102	Banks - Direct Leasing of Personal Property
8.80.103	2.59.103	Retention of Bank Records (REPEALED)
8.80.104	2.59.104	Semi-Annual Assessment
8.80.105	2.59.105	Investment Securities (REPEALED)
8.80.106	2.59.106	Investment in Corporate Stock
8.80.107	2.59.107	Investments of Financial Institutions
8.80.108	2.59.108	Limitations on Loans
8.80.109	2.59.109	Loans to a Managing Officer, Officer, Director or Principal Shareholder of a Bank
8.80.110	2.59.110	Fees for the Approval of Point- of-Sale Terminals (REPEALED)
8.80.111	2.59.111	Retention of Bank Records
8.80.112	2.59.112	Investment Securities
8.80.113	2.59.113	Investments by Banks to Promote the Public Welfare
8.80.201	2.59.201	Savings and Loan Associations - Real Estate
8.80.202	2.59.202	Examination and Supervisory Fee (Annual)
8.80.301	2.59.301	Advertising
8.80.302	2.59.302	Schedule of Changes
8.80.303	2.59.303	Credit Life Insurance
8.80.304	2.59.304	Fees Paid to Public Officials
8.80.305	2.59.305	Receipt Form
8.80.306	2.59.306	Records of Licensee

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8.80.307	2.59.307	Dollar Amounts to Which Consumer Loan Rates are to be Applied
8.80.401	2.59.401	Credit Unions - Supervisory and Examination Fees
8.80.402	2.59.402	Credit Unions - Limited Income Persons, Definition
8.80.403	2.59.403	Credit Unions - Surety Bond and Hazard Insurance Coverage
8.80.404	2.59.404	Corporate Credit Unions
8.80.501	2.59.501	Application for Satellite Terminal Authorization
8.80.502	2.59.502	Criteria for Authorization
8.80.503	2.59.503	Magnetic Encoding and Card Standards
8.80.504	2.59.504	Fees for the Approval of Automated Teller Machines
8.80.601	2.59.601	Conditions of Investment
8.80.701	2.59.701	Application Procedure for Authorization to Engage in the Escrow Business
8.80.702	2.59.702	Change of Ownership in Escrow Business
8.80.703	2.59.703	Examination of Escrow Business
8.80.801	2.59.801	Authority, Purpose and Scope: Definitions
8.80.802	2.59.802	Annual Regulation Fees
8.80.803	2.59.803	Examinations
8.80.804	2.59.804	Criteria for Know-Your-Customer Policy
8.80.805	2.59.805	Criteria for Anti-Money Laundering Compliance
8.80.806	2.59.806	Quarterly and Annual Reports
8.80.807	2.59.807	Suspicious Activity Reports
8.80.808	2.59.808	Other Reports Required
8.80.901	2.59.901	Change of Location
8.80.1001	2.59.1001	Application Procedure for Approval to Merge Affiliated Banks
8.80.1101	2.59.1101	Application Procedure for Approval to Establish a New Branch Bank
8.80.1102	2.59.1102	Review Procedure for Applications for Approval to Establish a New Branch Bank

8.80.1103	2.59.1103	Procedure Following Approval of an Application to Establish a New Branch Bank
8.80.1201	2.59.1501	Definitions
8.80.1202	2.59.1502	Application Procedure Required to Engage in Deposit Lending
8.80.1203	2.59.1503	Unencumbered Assets as Additional Surety
8.80.1204	2.59.1504	Ownership Change in the Deferred Deposit Lender
8.80.1205	2.59.1505	Examination of Deferred Deposit Lenders
8.80.1206	2.59.1506	Procedural Rules for Hearings and Discovery

3. The transfer of rules is necessary because this program was transferred from the Department of Commerce to the Department of Administration by the 2001 legislature by Chapter 483, Laws of Montana 2001.

/s/ Mark A. Simonich
Director,
Department of Commerce

/s/ Richard M. Weddle
Rule Reviewer

Certified to the Secretary of State, June 25, 2001.

BEFORE THE STATE BANKING BOARD
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the transfer) NOTICE OF TRANSFER
of ARM Title 8, Chapter 87)
pertaining to State Banking)
Board)

TO: All Concerned Persons

1. Pursuant to Chapter 483, Laws of Montana 2001, effective July 1, 2001, State Banking Board is transferred from the Department of Commerce to the Department of Administration. In order to implement that legislation, the above-stated rules are transferred to the Department of Administration ARM Title 2, Chapter 60.

2. The Department of Commerce has determined that the transferred rules will be numbered as follows:

<u>OLD</u>	<u>NEW</u>	
8.87.101	2.60.101	Organization of Board
8.87.201	2.60.201	Procedural Rules
8.87.202	2.60.202	Investigation Responsibility
8.87.203	2.60.203	Application Procedure for a Certificate of Authorization for a State Chartered Bank
8.87.204	2.60.204	Procedural Rules for Discovery and Hearing
8.87.301	2.60.301	Persuasive Showing of Reasonable Public Necessity and Demand
8.87.302	2.60.302	Management of Proposed Bank
8.87.303	2.60.303	Capital Adequacy of Proposed New Banks
8.87.304	2.60.304	Banks - F.D.I.C. Insurance Required
8.87.305	2.60.305	Pro Forma Statement
8.87.501	2.60.501	State Bank Organized for Purpose of Assuming Deposit Liability of any Closed Bank
8.87.801	2.60.801	Authority, Purpose and Scope: Definitions
8.87.802	2.60.802	Application Procedure for a Charter
8.87.803	2.60.803	Evidence of Good Character and Prospective Compliance with Federal Law
8.87.804	2.60.804	Business Plan and Pro Forma Statement
8.87.805	2.60.805	Capital Adequacy
8.87.806	2.60.806	Applicants that are Subsidiaries of Foreign Banks
8.87.807	2.60.807	Notice of Hearings
8.87.808	2.60.808	Grounds for Denial
8.87.809	2.60.809	Procedural Rules for Determinations: Approval Conditions

8.87.810 2.60.810 Annual Fees
8.87.811 2.60.811 Procedural Rules for Discovery and
Hearings

ARM 8.87.401, 8.87.601, 8.87.701, 8.87.702, and 8.87.703 were previously transferred to Title 8, Chapter 80. These Chapter 87 rules will not be retransferred, but will be accounted for in the Title 8 replacement pages. The Chapter 80 rules are also being transferred in this issue of the Register.

3. The transfer of rules is necessary because this program was transferred from the Department of Commerce to the Department of Administration by the 2001 legislature by Chapter 483, Laws of Montana 2001.

/s/ Mark A. Simonich
Director,
Department of Commerce

/s/ Richard M. Weddle
Rule Reviewer

Certified to the Secretary of State, June 25, 2001.

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

In the matter of the adoption)
of new rule I and the)
amendment of ARM 37.86.2401,)
37.86.2402, 37.86.2405,)
37.86.2502, 37.86.2505,)
37.86.2601, 37.86.2602 and)
37.86.2605 pertaining to)
medicaid transportation and)
ambulance services)

NOTICE OF ADOPTION AND
AMENDMENT

TO: All Interested Persons

1. On May 10, 2001, the Department of Public Health and Human Services published notice of the proposed adoption and amendment of the above-stated rules at page 759 of the 2001 Montana Administrative Register, issue number 9.

2. The Department has amended rules 37.86.2401, 37.86.2402, 37.86.2405, 37.86.2502, 37.86.2505, 37.86.2601, 37.86.2602 and 37.86.2605 as proposed.

3. The Department has adopted new rule I [37.86.2604] as proposed.

4. These rule changes will be applied retroactive to July 1, 2001. Fees in the fee schedule that have increased or stayed the same will also be applied effective retroactive to July 1, 2001. If a fee in the fee schedule has been decreased, however, the Department will apply the decrease effective August 1, 2001.

5. The Department has thoroughly considered all commentary received. The comments received and the department's response to each follow:

COMMENT #1: Commentor asked whether the Department will be using the same codes as Medicare.

RESPONSE: The Department will generally use the same codes as Medicare. The Department will close all local codes currently used for billing Medicaid ambulance services and will utilize the HCPCS codes used by Medicare with the following exceptions: Under the proposed rules Montana Medicaid will use HCPCS code A0425 to bill for all ambulance mileage. Medicare has delayed the implementation of A0425 for mileage and will continue to use A0380 and A0390 for BLS and ALS mileage respectively. In addition, the Department will not utilize HCPCS codes A0432 "Paramedic Intercept" and A0424 "Extra Attendant" as a covered service under Medicaid.

COMMENT #2: Commentor questioned the July 1, 2001 effective
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date.

RESPONSE: The Department will implement the proposed rule for coverage and billing requirements retroactive to July 1, 2001. In addition, for all services that experience a rate increase the Department will implement the proposed rate changes under this rule with a retroactive effective date to July 1, 2001. If a fee has been decreased, the department will implement the rate decrease effective August 1, 2001.

COMMENT #3: Commentor noted that the Medicare definition of Basic Life Support (BLS) includes IV starts. Will Medicaid include them as well? Commentor will be happy as long as it isn't BLS.

RESPONSE: IV starts will not be included in the definition of a BLS service under the proposed rule change by the Department. The Department consulted staff from the Department's Emergency Medical Services and Injury Prevention Section and was informed that the definition of a BLS service cannot include an invasive procedure. This issue is being addressed with Medicare where the definition of a BLS service includes the provision of IV starts.

COMMENT #4: Commentor stated that claims with modifiers tend to be denied. Will the Department check to see about claims with modifiers?

RESPONSE: The Department is investigating this issue. The Department does not want claims to be denied due to the presence of a modifier. The modifier is not used in the pricing of claims but provides useful information regarding the transport. The department will review modifiers used by Medicare and make changes to our claims processing system to accept valid modifiers.

COMMENT #5: Commentor stated that disposable cervical collars are itemized and paid for separately in Medicare. Will Medicaid allow cervical collars to be billed and reimbursed separately?

RESPONSE: The Department verified with Medicare that disposable cervical collars are included in the bundled rate under "ALS or BLS routine disposable supplies", procedure code A0382 and A0398. Medicare does not allow cervical collars to be billed out separately. Medicaid will require cervical collars to be billed under procedure code A0382 and A0398, the same as Medicare.

/s/ Dawn Sliva
Rule Reviewer

/s/ Gail Gray
Director, Public Health and
Human Services

Certified to the Secretary of State June 25, 2001.

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BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF AMENDMENT
amendment of rules regarding)
fees for Administrative Rules)
of Montana and Montana)
Administrative Register)

TO: All Concerned Persons

1. On May 24, 2001 the Secretary of State published notice of the proposed amendment of rules regarding fees for Administrative Rules of Montana and Montana Administrative Register at page 834 of the 2001 Montana Administrative Register, Issue No. 10.

2. The Secretary of State has amended ARM 1.2.421, 1.2.422 and 1.2.423 as proposed.

3. No comments or testimony were received.

4. These rules will be effective July 6, 2001 and will be applied retroactively to July 1, 2001.

/s/ BOB BROWN
BOB BROWN
Secretary of State

/s/ Janice Doggett
JANICE DOGGETT
Rule Reviewer

Dated this 25th day of June 2001

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the adoption) NOTICE OF ADOPTION
of new rules regarding fees for)
records management)
microfilming, imaging and)
storage services)

TO: All Concerned Persons

1. On May 24, 2001 the Secretary of State published notice of the proposed adoption of new rules regarding fees for records management microfilming, imaging and storage services at page 837 of the 2001 Montana Administrative Register, Issue No. 10.

2. The Secretary of State has adopted new rules I (44.14.301) through XII (44.14.312) as proposed.

3. No comments or testimony were received.

4. These rules will be effective July 6, 2001 and will be applied retroactively to July 1, 2001.

/s/ BOB BROWN
BOB BROWN
Secretary of State

/s/ Janice Doggett
JANICE DOGGETT
Rule Reviewer

Dated this 25th day of June 2001

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

Economic Affairs Interim Committee:

- ▶ Department of Agriculture;
- ▶ Department of Commerce;
- ▶ Department of Labor and Industry;
- ▶ Department of Livestock;
- ▶ Department of Public Service Regulation; and
- ▶ Office of the State Auditor and Insurance Commissioner.

Education and Local Government Interim Committee:

- ▶ State Board of Education;
- ▶ Board of Public Education;
- ▶ Board of Regents of Higher Education; and
- ▶ Office of Public Instruction.

Children, Families, Health, and Human Services Interim Committee:

- ▶ Department of Public Health and Human Services.

Law and Justice Interim Committee:

- ▶ Department of Corrections; and
- ▶ Department of Justice.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration, and Veterans' Affairs Interim Committee:

- Department of Administration;
- Department of Military Affairs; and
- Office of the Secretary of State.

Environmental Quality Council:

- Department of Environmental Quality;
- Department of Fish, Wildlife, and Parks; and
- Department of Natural Resources and Conservation.

These interim committees and the EQC have 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. They also 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, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is PO Box 201706, Helena, MT 59620-1706.

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 | 1. Consult ARM topical index.
Update the rule by checking the accumulative
Matter 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 March 31, 2001. This table includes those rules adopted during the period April 1, 2001 through June 30, 2001 and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within 6 months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through March 31, 2001, 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 2000 and 2001 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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6.6.8301 Updating References to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance 1996 ed. - Adoption of New and Amended Classifications, p. 132, 842

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