

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 15

The Montana Administrative Register (MAR or Register), 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 The Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end 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 Secretary of State's Office, Administrative Rules Bureau, at (406) 444-2055.

Page Number

TABLE OF CONTENTS

NOTICE SECTION

ADMINISTRATION, Department of, Title 2

2-2-376 Notice of Proposed Amendment and Repeal - Discipline Handling. No Public Hearing Contemplated. 1923-1928

AGRICULTURE, Department of, Title 4

4-14-167 Notice of Proposed Amendment - Seed Laboratory Fees. No Public Hearing Contemplated. 1929-1934

FISH, WILDLIFE AND PARKS, Department of, Title 12

12-323 (Fish, Wildlife and Parks Commission) Notice of Comment Deadline on Proposed Adoption and Amendment - Exotic Species. 1935

JUSTICE, Department of, Title 23

23-16-179 Notice of Public Hearing on Proposed Adoption and Amendment - Identification Decal for Video Gambling Machines - Define System Availability - Definitions - Online Permitting for Video Gambling Machines - Issuance of Updated Gambling Operator Licenses After Permitting - Renewal of Gambling Operator Licenses - Quarterly Reporting Requirements - Accounting System Vendor License Fee - Requirement for Parties to Multi-game Agreements to Connect to an Approved System. 1936-1942

REVENUE, Department of, Title 42

42-2-762 Notice of Public Hearing on Proposed Adoption,
Amendment, and Repeal - Tobacco Products and Cigarettes. 1943-1953

RULE SECTION

STATE AUDITOR, Department of, Title 6

AMD Small Business Health Insurance Purchasing Pool -
Premium Assistance and Premium Incentive Payments -
Tax Credits. 1954-1955

ENVIRONMENTAL QUALITY, Department of, Title 17

AMD (Board of Environmental Review) (Air Quality)
Incorporation by Reference of Current Federal Regulations
and Other Materials into Air Quality Rules. 1956

LABOR AND INDUSTRY, Department of, Title 24

NEW (Board of Medical Examiners) Professional Assistance
Program. 1957

AMD (Board of Medical Examiners) Physician Assistant
NEW Licensure.
REP 1958-1959

REVENUE, Department of, Title 42

NEW Movie and Television Industries and Related Media - Tax
Credit. 1960

AMD Manufactured and Mobile Homes. 1961

AMD Property Reporting Requirements. 1962

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee. 1963-1964

How to Use ARM and MAR. 1965

Accumulative Table. 1966-1976

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 2.21.6505 through 2.21.6509	)	AMENDMENT AND REPEAL
and 2.21.6515, and the repeal of)	
ARM 2.21.6522 pertaining to	)	NO PUBLIC HEARING
Discipline Handling	)	CONTEMPLATED

TO: All Concerned Persons

1. On October 6, 2006, the Department of Administration proposes to amend the above-stated rules.

2. The Department of Administration will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 8, 2006, to advise us of the nature of the accommodation that you need. Please contact State Personnel Division, Department of Administration, P.O. Box 200127, Helena, MT 59620-0127; telephone (406) 444-3794; Montana Relay Service 711; FAX (406) 444-0703; or e-mail hpeck@mt.gov.

3. The department proposes to amend the rules as follows:

2.21.6505 SHORT TITLE (1) This subchapter may be cited as the discipline handling policy.

AUTH: 2-18-102, MCA
IMP: 2-18-102, MCA

2.21.6506 POLICY AND OBJECTIVES (1) It is the policy of the ~~state of Montana that:~~ executive branch of Montana state government that:

(a) state employees who fail to perform their jobs in a satisfactory manner or whose behavior ~~otherwise~~ interferes with or disrupts agency operations be subject to disciplinary action, up to and including discharge;

(b) disciplinary action be administered for just cause, as defined in this policy; and

~~(c) an employee be informed of the cause for disciplinary action and offered the opportunity to respond.~~ management inform employees of the just cause for formal disciplinary actions; and

(d) management offer employees the opportunity to respond to formal disciplinary actions.

(2) It is the objective of this policy to establish procedures for ~~taking~~ implementing informal and formal disciplinary actions.

(3) Management may implement disciplinary actions under this policy regardless of whether a performance evaluation has been completed.

(4) Agencies shall follow this policy unless it conflicts with negotiated labor contracts or specific statutes, which shall take precedence to the extent applicable.

AUTH: 2-18-102, MCA

IMP: 2-18-102, MCA

2.21.6507 DEFINITIONS As used in this subchapter, the following definitions apply:

~~(1) "Corrective counseling" means constructive corrective actions taken to improve unsatisfactory employee behavior in a positive, nonthreatening manner prior to or during the administration of formal disciplinary action. The actions may include, but are not limited to, coaching or counseling meetings, and training.~~

(1) "Agency" means a department, board, commission, office, bureau, institution, or unit of state government recognized in the state budget.

~~(2) (9) "Management" means the employee's supervisor and other supervisors in a direct line of authority above the employee's supervisor. those individuals beginning with an employee's immediate supervisor and other managers in a successive direct line of authority within an agency.~~

~~(3) (10) "Progressive discipline" means a process of applying disciplinary actions which may progress from less serious actions to more serious actions based upon the initial severity, on the repeated nature or on a pattern of misconduct or poor performance. Progressive discipline may range from corrective counseling to discharge.~~

~~(4) (6) "Formal disciplinary action" means, but is not limited to, a written warning, suspension without pay, disciplinary demotion, or discharge, or similar disciplinary action which adversely affects the employee. It does not include corrective counseling or oral warnings which are informal actions.~~

~~(5) "Documentation" means a record of facts, incidents or other materials used as evidence to support the administration of a disciplinary action.~~

(7) "Informal disciplinary action" means corrective actions taken to improve unsatisfactory employee behavior, conduct, or performance. It may include, but is not limited to, coaching, counseling meetings, oral warnings, and training.

~~(6) (8) "Just cause" means reasonable, job-related grounds for taking a disciplinary action based on failure to satisfactorily perform job duties, or disruption of agency operations, or other legitimate business reasons. Just cause may include, but is not limited to: an actual violation of an established agency standard, procedure, legitimate order, policy, or labor agreement; failure to meet applicable professional standards; or a series of lesser violations, if the employee would reasonably be expected to have knowledge the action or omission may result in disciplinary action. criminal misconduct; wrongful discrimination; deliberate misconduct; negligence; deliberately providing false information on an employment application; willful damage to public or private property; workplace violence or intimidation; harassment; unprofessional or inappropriate behavior; or a series of lesser violations.~~

~~(7) (4) "Due process" means ensuring an employee:~~

~~(a) is informed of the action being taken and the reason for it; the action; and~~

(b) has the opportunity to respond to and question the action and to defend or explain the questioned behavior or actions.

~~(8) (12) "Written warning" means a written disciplinary notice intended to notify an employee of unsatisfactory performance or conduct. behavior that disrupts agency operations and to communicate management's expectations to the employee. It includes a warning of the consequences of failure to make required improvements or corrections.~~

~~(9) (11) "Suspension without pay" means a leave of absence without pay ordered by management which requires an employee to remain off the job for just cause. a management-ordered leave without pay for just cause.~~

~~(10) (3) "Disciplinary demotion" means the reclassification of an employee's position to a lower grade or the transfer of an employee to a position at a lower grade for just cause. A disciplinary demotion must include a reduction in position duties corresponding with the new position title and grade. A disciplinary demotion shall be carried out in accordance with the rule on involuntary demotion found in the Montana Operations Manual, Volume III, Policy 3-0505, the pay plan rules (copies available at the Personnel Division, Department of Administration.) a change in the duties of an employee's position or transfer to a lesser position which may result in a reduction in pay.~~

~~(11) (2) "Discharge" means, for the purposes of this policy, the termination of an employee's employment for just cause. termination of employment for just cause.~~

~~(12) (5) "Employee" means an employee in a permanent position who has attained permanent status as both terms are defined in 2-18-101, MCA. It does not mean an employee in a permanent position who has not attained permanent status, or an employee in a position defined as temporary, as all these terms are defined in 2-18-101, MCA. It does not include employees hired as temporary employees, short-term workers, student interns, and employees who have not attained permanent status as defined in 2-18-101, MCA, or officers and employees identified in 2-18-103 and 2-18-104, MCA.~~

AUTH: 2-18-102, MCA

IMP: 2-18-102, MCA

2.21.6508 INFORMAL ACTIONS INFORMAL DISCIPLINARY ACTION

~~(1) Corrective counseling and oral warnings are informal actions which may be used at the option of management prior to or in addition to formal discipline to deal with performance deficiencies or misconduct. They are not part of formal discipline and are not grievable. Documentation is encouraged, but is not required. At its discretion, management may use informal discipline prior or in addition to formal discipline to address performance deficiencies or misconduct.~~

~~(2) Management should document all informal disciplinary actions.~~

AUTH: 2-18-102, MCA

IMP: 2-18-102, MCA

2.21.6509 FORMAL DISCIPLINARY ACTIONS (1) When formal disciplinary action is necessary, just cause, due process, and documentation, or other evidence of the facts are is required. ~~Formal disciplinary actions include, but are not limited to, written warning, suspension without pay, disciplinary demotion and discharge.~~

(2) ~~Management shall, when appropriate, use progressive discipline. However, the appropriateness of using progressive discipline in each case lies within the discretion of management. The specific disciplinary actions taken and the order in which disciplinary actions are taken depend on the nature and severity of the performance deficiency or behavior that disrupts agency operations. Discharge should not be an initial disciplinary action except in severe cases or unsatisfactory performance or behavior that disrupts agency operations. Management may determine the appropriateness of using progressive discipline on a case-by-case basis.~~

(3) ~~Each formal disciplinary action shall include a written notification to the employee which includes, but is not limited to, the following: In each formal disciplinary action, management shall give the employee a written notification that includes, but is not limited to:~~

- ~~(a) the just cause or reason for the disciplinary action;~~
- ~~(b) the disciplinary action to be taken, including the dates, times, and duration where applicable;~~
- ~~(c) the improvements or corrections expected; and~~
- ~~(d) the consequences of the employee's failure to make the required improvement or correction, if applicable.~~

(4) ~~The employee shall be offered the opportunity to review, sign and date any notice of a formal disciplinary action and shall have the opportunity for verbal and/or written response. The employee's signature indicates that the employee has had the opportunity for review, but not necessarily that the employee agrees with the action. If the employee refuses to sign, a witness to such refusal, in addition to the supervisor, shall sign and date the notice. Management shall offer the employee the opportunity to review the notice of formal disciplinary action and acknowledge its receipt by signing and dating the notice. The employee's signature does not necessarily mean the employee agrees with the disciplinary action. If the employee refuses to sign the notice, management shall make note of that fact.~~

(5) ~~Where notices cannot be issued in person, they should be delivered by certified mail. Management shall offer the employee the opportunity to respond to the notice of formal disciplinary action either verbally or in writing.~~

(6) ~~All formal disciplinary actions must be documented. Documents will be maintained in accordance with the employee record keeping policy, ARM 2.21.6601 et seq.~~

AUTH: 2-18-102, MCA

IMP: 2-18-102, MCA

2.21.6515 GRIEVANCES GRIEVANCE POLICY (1) An eligible employee, as defined in 2.21.6507, may file a grievance under the grievance policy, ARM 2.21.8001 et. seq., based on receipt of a formal disciplinary action which includes, but is not limited to, written warning, suspension without pay, disciplinary demotion

~~or discharge.~~ the state of Montana's Grievance Policy, may file a grievance under that policy if the employee receives a formal disciplinary action that results in a suspension without pay, disciplinary demotion, or discharge.

~~(2) No employee may file a grievance based on corrective counseling or oral warnings.~~ An employee may not file a grievance based on an informal disciplinary action or a formal disciplinary action that results in a written warning.

AUTH: 2-18-102, MCA

IMP: 2-18-102, MCA

4. The rule proposed to be repealed, ARM 2.21.6522 CLOSING, is located at page 2-1505, Administrative Rules of Montana.

AUTH: 2-18-102, MCA

IMP: 2-18-102, MCA

REASON: In part, the department is reviewing and revising rules to conform to 2-2-314(1), MCA, which directs departments to conduct a biennial review of their rules and modify or amend them if necessary. The department has not updated the discipline rules since they were initially adopted in 1984. The department is proposing to make some amendments for clarity, organization, and writing style. In other amendments, the department proposes to delete unnecessary language. ARM 2.2.6522 is being repealed and the language incorporated into ARM 2.2.6506 for clarity. This complies with House Joint Resolution 5, enacted by the 54th regular session of the Montana Legislature (1995), which directed all departments to reduce their administrative rules by at least 5%, with an overall goal of 10%.

5. Concerned persons may submit their data, views, or arguments in writing to Hal Peck, State Personnel Division, Department of Administration, P.O. Box 200127, Helena, MT 59620-0127; or e-mail hpeck@mt.gov. Comments must be received no later than September 11, 2006.

6. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Hal Peck, State Personnel Division, Department of Administration, P.O. Box 200127, Helena, MT 59620-0127; or e-mail hpeck@mt.gov to be received no later than 5:00 p.m., September 11, 2006.

7. If the Department of Administration receives requests for a public hearing on the proposed actions from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate 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 is greater than 25 based on the number of state employees.

8. The Department of Administration maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding personnel rules. Such written request may be mailed or delivered to Hal Peck, Department of Administration, State Personnel Division, P.O. Box 200127, Helena, MT 59620-0127; e-mailed to hpeck@mt.gov or made by completing a request form at any rules hearing held by the Department of Administration.

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

BY: /s/ Janet R. Kelly
Janet R. Kelly, Director
Department of Administration

BY: /s/ Dal Smilie
Dal Smilie, Rule Reviewer
Department of Administration

Certified to the Secretary of State July 31, 2006.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF PROPOSED
amendment of ARM 4.12.3009 and	)	AMENDMENT
4.12.3402 relating to seed laboratory)	
fees	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. On September 9, 2006, the Montana Department of Agriculture proposes to amend the above-stated rules.

2. The Department of Agriculture 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 Department of Agriculture no later than 5:00 p.m. on August 24, 2006, to advise us of the nature of the accommodation that you need. Please contact Gregory H. Ames at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; Phone: (406) 444-3144; Fax: (406) 444-5409; or e-mail: agr@mt.gov.

3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

4.12.3009 REPORTING AND ASSESSMENT OF SEED SALES

(1) and (2) remain the same.

(3) These reports and the fee of ~~15~~ 20 cents per \$100 in gross sales shall be due not later than July 31 of each year for the preceding 12 month period.

(4) remains the same.

AUTH: 80-5-131, MCA

IMP: 80-5-131, MCA

REASON: Currently, the administrative rules and statute that pertain to this particular rule differ. This is a housekeeping correction to make the fee in rule consistent with the minimum fee in statute, 80-5-131, MCA, of the Montana Seed Act. The minimum fee was increased in 2003, from 15 to 20 cents, as a result of Senate Bill 22, but the Administrative Rules of Montana were never changed accordingly. This change will result in no additional revenue as the department has already begun collecting the additional revenue. However, at the time that the fee was increased, it was projected the department would collect an additional \$4,000 per year. This change affected approximately 48 out of state seed labelers who pay a fee of 20 cents per \$100 dollars of gross sales. The 48 out of state seed labelers are included in the 400 seed customers affected by these proposed rule changes.

4.12.3402 SEED LABORATORY ANALYSIS FEES (1) The Montana seed laboratory, Montana State University, Bozeman, Montana will test samples of seeds submitted for purity, germination, and miscellaneous tests. All samples of seed analyzed and tested shall be at the following rates:

FEE SCHEDULE
(All prices are in U.S. dollars)

<u>KIND OF SEED</u>	<u>PURITY ONLY</u>	<u>GERMINATION ONLY</u>	<u>PURITY & GERMINATION</u>
Bentgrasses, <u>Redtop</u>	\$21.00 <u>44.00</u>	\$17.00 <u>24.00</u>	\$38.00 <u>68.00</u>
Bluegrass, <u>Alkaligrass</u>	21.00 <u>30.00</u>	17.00 <u>24.00</u>	38.00 <u>54.00</u>
Bluestems, <u>Gamma, Galleta, & Indiangrass</u>	44.00 <u>70.00</u>	24.00 <u>25.00</u>	68.00 <u>95.00</u>
Bromegrass, <u>Fescue, Orchardgrass & Ryegrass</u>	21.00 <u>25.00</u>	17.00 <u>18.00</u>	38.00 <u>43.00</u>
Canarygrass	17.00 <u>24.00</u>	14.00 <u>16.00</u>	31.00 <u>40.00</u>
Cereals: i.e., (<u>includes seed count</u>) barley*, wheat, rye, triticale, corn, oats, spelt, emmer	12.00 <u>15.00</u>	10.00 <u>12.00</u>	22.00 <u>27.00</u>
Fescues	21.00	17.00	38.00
Flax	12.00 <u>15.00</u>	10.00 <u>12.00</u>	22.00 <u>27.00</u>
Flowers	24.00 <u>25.00</u>	24.00 <u>25.00</u>	48.00 <u>50.00</u>
Foxtails- <u>1</u> , creeping* & meadow	44.00 <u>45.00</u>	24.00 <u>25.00</u>	68.00 <u>70.00</u>
<u>Grama, blue & sideoats</u>	45.00	25.00	70.00
Indian ricegrass* (<u>includes dormancy</u>)	18.00 <u>20.00</u>	24.00 <u>42.00</u>	42.00 <u>62.00</u>
Legumes, large & small seeded: i.e., alfalfa, cicer, milkvetch, clovers, sweetclover, birdsfoot trefoil, beans, peas, lentils, faba, chickpeas, medic, sainfoin	12.00 <u>15.00</u>	10.00 <u>15.00</u>	22.00 <u>30.00</u>
<u>Legumes, small seeded</u>	15.00	12.00	27.00
Millet	21.00 <u>22.00</u>	17.00 <u>18.00</u>	38.00 <u>40.00</u>
Mustards, <u>Rape</u>	17.00 <u>20.00</u>	14.00 <u>15.00</u>	31.00 <u>35.00</u>
Natives (Indigenous)	24.00 <u>30.00</u>	24.00 <u>25.00</u>	48.00 <u>55.00</u>
Needlegrass* (<u>includes dormancy</u>)	18.00 <u>20.00</u>	24.00 <u>42.00</u>	42.00 <u>62.00</u>
<u>Oats (includes seed count)</u>	16.00	12.00	28.00
Orchardgrass	21.00	17.00	38.00

<u>KIND OF SEED</u>	<u>PURITY ONLY</u>	<u>GERMINATION ONLY</u>	<u>PURITY & GERMINATION</u>
Prairie sandreed	44.00 <u>45.00</u>	24.00 <u>25.00</u>	68.00 <u>70.00</u>
Ryegrass	21.00	17.00	38.00
<u>Safflower & Sunflower</u>	12.00 <u>15.00</u>	10.00 <u>15.00</u>	22.00 <u>30.00</u>
<u>Sage Brush</u>	32.00	25.00	57.00
Saltbushes	\$18.00 <u>20.00</u>	\$24.00 <u>25.00</u>	\$42.00 <u>45.00</u>
<u>Small Seeds (more than 2,500 seeds per gram)</u>	35.00	24.00	59.00
<u>Sorghums-₁ grain & Sudangrass</u>	12.00 <u>13.00</u>	10.00 <u>15.00</u>	22.00 <u>28.00</u>
<u>Sundangrass</u>	12.00	10.00	22.00
Sugarbeets	12.00 <u>13.00</u>	10.00 <u>15.00</u>	22.00 <u>28.00</u>
Sunflower	12.00	10.00	22.00
Timothy	17.00 <u>18.00</u>	14.00 <u>15.00</u>	31.00 <u>33.00</u>
Tree	24.00 <u>25.00</u>	24.00 <u>25.00</u>	48.00 <u>50.00</u>
Wheatgrasses*	21.00 <u>30.00</u>	17.00 <u>18.00</u>	38.00 <u>48.00</u>
<ul style="list-style-type: none"> ▪ beardless, bluebunch, crested, intermediate, pubescent, slender, streambank, tall, & thickspike 			
<u>NewHY</u>	<u>30.00/hr</u>	<u>20.00</u>	<u>30.00/hr plus 20.00</u>
<ul style="list-style-type: none"> ▪ western 	24.00 <u>35.00</u>	24.00 <u>25.00</u>	48.00 <u>60.00</u>
<u>White Wheat (includes potassium hydroxide text & seed count)</u>	23.00	12.00	25.00
Wildryes	21.00 <u>30.00</u>	17.00 <u>20.00</u>	38.00 <u>50.00</u>
Wild Flowers	24.00 <u>25.00</u>	24.00 <u>25.00</u>	48.00 <u>50.00</u>
Vegetables	12.00 <u>15.00</u>	10.00 <u>12.00</u>	22.00 <u>27.00</u>

MIXTURES:

(See hourly rate)

Tetrazolium Test (TZ): ~~each kind of seed listed above: \$30.00~~ 35.00 except for labor intensive species - \$45.00

*~~May contain~~ Laboratory analysis may report that the sample contains dormant seed.

(2) Fees for additional services provided by the seed laboratory:

Hourly rate \$30.00 (for services including testing mixtures, excessively ~~dirty~~ high inert (>5 percent) or time consuming samples)

Rush ~~\$30.00~~ 60.00 (expedite sample before routine)

	samples)
Express rush	\$120.00 (expedite sample before all rush samples)
BSMV	\$36.00 <u>45.00</u> (Barley Stripe Mosaic Virus Test)
Seed ID	\$6.00 <u>10.00</u> (per seed identification)
Dormancy	\$18.00 (in addition to germination charges)
Utricle Fill	\$18.00 <u>20.00</u> (in addition to germination charges)
FAX	\$3.00 (to send analysis reports)
Phone	\$3.00 (to send analysis reports)
USA Noxious	\$6.00 <u>7.00</u> (in addition to normal rate)
Canadian Rules	\$6.00 <u>30.00/hr</u> (samples tested in accordance with Canadian rules)
ISTA Rules	\$6.00 <u>30.00/hr</u> (samples tested in accordance with ISTA rules)
Ascochyta test	\$36.00 <u>45.00</u>
Sodium <u>Potassium</u>	
Hydroxide	\$6.00 <u>7.00</u>
<u>MSGA – Cereals</u>	<u>\$7.00</u>
<u>Herbicide bioassay</u>	<u>\$25.00</u>
<u>Clearfield confirm</u>	<u>\$50.00</u>
<u>Moisture</u>	<u>\$10.00</u>
<u>Seed count</u>	<u>\$2.00</u>
<u>ELIZA (per 3 strips)</u>	<u>\$25.00</u>
<u>Credit card payment</u>	<u>5 percent handling fee</u>
<u>Grass envelopes</u>	<u>\$0.50</u>
<u>Cereal envelopes</u>	<u>\$0.60</u>
<u>Return sample</u>	<u>\$3.00 - 5.00</u>

AUTH: 80-5-139, MCA
IMP: 80-5-126, 80-5-128, MCA

REASON: The Montana State Seed Laboratory has experienced negative cash flow for the past three years. The laboratory is funded via fee for service testing, and does not receive general fund monies. Thus, the net negative cash flow is accumulating. The fee increase will result in a positive cash flow in fiscal year 2007 and a positive cash balance in fiscal year 2008. Maintenance on equipment is currently being deferred as much as possible without affecting the lab functions. There have been no capital improvements in the past three years and there will not be any capital improvements until such time as the budget appears to have offset the negative balance. Former laboratory personnel were being trained and then hired away from the lab because of higher wages elsewhere. Wages have increased via a program linked to certification of personnel and because of legislatively mandated wage increases. Staffing levels have been reduced in an attempt to balance the budget. Samples may accumulate because of low staffing levels. Laboratories across the region are increasing testing prices or in some cases have raised prices twice in the past three years to reflect costs. The requested price increases average 16 percent, which is less than 3 percent per year since the last

set of price increases. The proposed price increase also allows for a computer program that will allow customers to see their results in a web-based environment.

The impact on the average customer is projected to be \$50.94 annually. The cumulative economic impact of the proposed increase is \$20,376.00 (\$50.94/customer x 400 customers). The largest price increases will fall primarily on customers submitting native grass and forb species for laboratory analysis. Staffing will be added when justified by the budget, which will increase rapidity of sample analysis. The impact of the new seed lab analysis computer program will provide an off-set in costs because of the web-based availability of the customer to see data and ability to electronically mail results to customers. This program will be of special interest to the Montana Seed Grower Association and Montana Foundation Seeds because of the ability to rapidly track lots of seed. Time spent on the telephone for both the customer and the seed lab should be reduced according to experience from other labs utilizing this computer program.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Gregory H. Ames at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or e-mail: agr@mt.gov. Any comments must be received no later than September 7, 2006.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Gregory H. Ames at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or e-mail: agr@mt.gov. A written request for hearing must be received no later than September 7, 2006.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate 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 40 persons based on the approximately 400 seed laboratory customers who are farmers, seed companies, and state and federal agencies that submit samples to the laboratory.

7. The Department of Agriculture 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 and specifies for which program the person wishes to receive notices. Such written request may be mailed or delivered to Montana Department of Agriculture, 303 North Roberts, P.O. Box

200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or e-mail: agr@mt.gov or may be made by completing a request form at any rules hearing held by the Department of Agriculture.

8. An electronic copy of this Notice of Proposed Amendment is available through the department's web site at www.agr.mt.gov, under the Administrative Rules section. The department strives to make the electronic copy of the 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. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

DEPARTMENT OF AGRICULTURE

/s/ Nancy K. Peterson
Nancy K. Peterson, Director

/s/ Timothy J. Meloy
Timothy J. Meloy, Attorney
Rule Reviewer

Certified to the Secretary of State, July 31, 2006.

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION
OF THE STATE OF MONTANA

In the matter of the adoption of new) NOTICE OF COMMENT DEADLINE
rules I, II, and III and the amendment) ON PROPOSED ADOPTION AND
of ARM 12.6.2205, 12.6.2210,) AMENDMENT
12.6.2215, and 12.6.2220 pertaining to)
exotic species)

TO: All Concerned Persons

1. On July 27, 2006, the Fish, Wildlife and Parks Commission (commission) published MAR Notice No. 12-321 regarding a public hearing on the proposed adoption and amendment of the above-stated rules at page 1771 of the 2006 Montana Administrative Register, Issue No. 14.
2. The above-referenced notice omitted the deadline for receipt of public written comment. The purpose of this notice is to notify the public of the comment period deadline which is August 24, 2006.
3. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing to be held on August 16, 2006, at 7:00 pm at the Department of Fish, Wildlife and Parks, 1420 East Sixth Avenue, Helena, Montana. Written data, views, or arguments may also be submitted to Beth Giddings, P.O. Box 200701, Helena, Montana 59620-0701; or e-mail FWPExotics@mt.gov and must be received no later than August 24, 2006.

/s/ M. Jeff Hagener
M. Jeff Hagener
Secretary, Fish, Wildlife and
Parks Commission

/s/ Rebecca Dockter
Rebecca Dockter
Rule Reviewer

Certified to the Secretary of State July 31, 2006

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the proposed adoption of	)	NOTICE OF PUBLIC HEARING
NEW RULE I-identification decal for video	)	ON PROPOSED ADOPTION
gambling machines; NEW RULE II-define	)	AND AMENDMENT
system availability; and the proposed)	
amendment of ARM 23.16.1802, 23.16.1803,)	
23.16.1807, 23.16.1823, 23.16.1826,)	
23.16.1916A, and 23.16.2101 concerning)	
definitions, online permitting for video)	
gambling machines, issuance of updated)	
gambling operator licenses after permitting,)	
renewal of gambling operator licenses,)	
quarterly reporting requirements, accounting)	
system vendor license fee, and requirement)	
for parties to multi-game agreements)	
to connect to an approved system)	

TO: All Concerned Persons

1. On August 31, 2006, at 10:00 a.m., the Montana Department of Justice will hold a public hearing in the conference room at the Gambling Control Division, 2550 Prospect Avenue, Helena, Montana, to consider the proposed adoption and amendment of the above-stated rules.

2. The Department of Justice 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 department no later than 5:00 p.m. on August 24, 2006, to advise us of the nature of the accommodation that you need. Please contact Rick Ask, Gambling Control Division, 2550 Prospect Avenue, P.O. Box 201424, Helena, MT 59620-1424; (406) 444-1971; Fax (406) 444-9157; Montana Relay Service 711; or e-mail rask@mt.gov.

3. The proposed new rules provide as follows:

NEW RULE I IDENTIFICATION DECAL REQUIRED ON ALL VIDEO GAMBLING MACHINES (1) Upon request from a licensed video gambling machine manufacturer or its designated representative, the department will issue identification decals to be placed upon new video gambling machines prior to their distribution or sale.

(2) The identification decal must be affixed to a machine before a machine is placed in service.

(3) The identification decal must be placed on the machine in such a manner that the identification decal is not obstructed from view and can be permanently maintained.

(4) Upon the request of a licensed manufacturer, distributor, operator, or route operator, the department will provide replacement identification decals for decals that have been destroyed or removed.

(5) For all video gambling machines validly permitted at the time this rule becomes effective, identification decals may be placed on the machines:

(a) by an employee of the department; or

(b) by a route operator who shall submit audit tapes and documents verifying the placement on the proper machine.

AUTH: 23-5-621, MCA

IMP: 23-5-621, 23-5-637, MCA

RATIONALE AND JUSTIFICATION: New Rule I establishes procedure for placing a permanent decal on all video gambling machines. Every machine will have a permanent, unique identification number assigned. These decals will replace the annual permit decals. The replacement of the permit decals is necessary to implement electronic issuance of video gambling machine permits provided for in 23-5-621 and 23-5-637, MCA. The use of a permanent decal will affect approximately 1,600 video gambling machine owners. The use of a permanent decal should result in cost savings for both the department and licensees.

NEW RULE II APPROVED ACCOUNTING AND REPORTING SYSTEM AVAILABILITY IN RELATION TO MULTI-GAME AGREEMENTS (1) For purposes of determining when an approved automated accounting system is available under the terms of multi-game video gambling machine agreements, the availability date shall be a date no sooner than 180 days after the department has approved at least two commercially available systems under ARM 23.16.2105 for tier II systems, and when tax reporting is available through the department's internet web site.

AUTH: 23-5-621, MCA

IMP: 23-5-637, MCA

RATIONALE AND JUSTIFICATION: New Rule II defines when an automated accounting and reporting system will be considered available for connection. The rule allows operators who have signed multi-game video gambling machine agreements the option to utilize an approved automated accounting and reporting system or the department's internet web site, and gives them adequate time to determine which system they want to use. This rule provides that at least three alternative systems will be available before any machine owner is required to select a system. At this time, over 1,000 operators have entered into multi-game agreements. In most cases, the accounting system will be an expense to the route operator serving the operator. At this time, no systems are commercially available and the price cannot be estimated. The state web site system will be available to any operator at no cost.

4. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

23.16.1802 DEFINITIONS (1) through (3) remain the same.

(4) "Designated representative" means a person designated on forms provided by the department to be a representative of the licensed machine owner. This designation is made for the purposes of filing quarterly reporting documents, applying for permits, receiving of forms, etc. ~~It does not include applications for a permit or relieve~~ However, the permit holder or machine owner ~~of responsibilities~~ remains responsible for maintaining accurate records, filing reports in a timely manner, and paying machine taxes due.

(5) through (7) remain the same.

(8) "Identification decal" means a decal permanently affixed to a video gambling machine and bears its unique identification number issued by the department.

(8) through (25) remain the same but are renumbered (9) through (26).

AUTH: 23-5-115, 23-5-621, MCA

IMP: 23-5-111, 23-5-112, 23-5-115, 23-5-151, 23-5-602, 23-5-603, 23-5-607, 23-5-610, 23-5-612, 23-5-621, 23-5-637, MCA

RATIONALE AND JUSTIFICATION: The definitions are amended to provide for changes in the manner in which video gambling machine permits will be issued. Currently, video gambling machine permit decals are issued annually and must be affixed to the machines prior to operation. With the proposed changes, permits will be printed on the gambling operator's license and can be transmitted to the operator through the mail or e-mail. Because route operators often obtain permits for the location operator to whom they lease machines, this process will allow route operators to obtain permits on behalf of the location operator. In place of annual decals affixed to the video gambling machine, the department will issue an identification decal that will permanently identify the machine. The new definitions will distinguish this permanent identification decal from the current annual permit decal. These changes will affect most of the 1,600 locations operating video gambling machines, and should result in substantial cost savings to operators who will no longer need to wait for permits to arrive by mail or be required to travel to Helena to pick up permits.

23.16.1803 APPLICATION FOR PERMIT, FEE AND PERMIT REQUIREMENTS (1) through (3) remain the same.

(4) A machine owner who utilizes an approved accounting and reporting system may submit permit applications through an internet web site provided by the department.

AUTH: 23-5-115, 23-5-621, MCA

IMP: 23-5-602, 23-5-611, 23-5-612, 23-5-621, 23-5-637, MCA

RATIONALE AND JUSTIFICATION: This amendment provides specific authorization for operators using an approved accounting and reporting system to obtain permits through the department's web site. This change will affect most of

the 1,600 locations operating video gambling machines and should result in substantial cost savings to operators who will no longer need to wait for permits in the mail or be required to travel to Helena to pick up permits.

23.16.1807 ISSUANCE OF VIDEO GAMBLING MACHINE PERMIT

(1) Upon approval of an application and payment of a permit fee, the department will ~~issue a permit decal~~ update and issue to the location a new gambling operator license listing all renewed or newly permitted machines.

(2) ~~The licensee must affix the permit decal to the machine cabinet as instructed by the department so that the decal is visible and easily read.~~ The gambling operator must receive the updated operator's license listing all renewed or newly permitted video gambling machines before the video gambling machines may be placed in service.

~~(3) the permit decal must be affixed to a machine before a machine is placed in service.~~

~~(4)~~(3) A new permit ~~decal~~ will not be required after renewal when a machine owner converts a keno, poker, or bingo to a multi-game and commits the machine to connect to the automated accounting and reporting system.

AUTH: 23-5-115, 23-5-605, 23-5-621, MCA

IMP: 23-5-603, 23-5-605, 23-5-611, 23-5-612, 23-5-621, 23-5-637, MCA

RATIONALE AND JUSTIFICATION: This amendment establishes that the form of the permit is no longer a decal but is rather a listing of permitted machines upon the operator license. These changes in definitions will affect most of the 1,600 locations operating video gambling machines. The changes should result in substantial cost savings to operators who will no longer need to wait for permits to arrive by mail or be required to travel to Helena to pick up permits.

23.16.1823 PRORATION OF PERMIT FEE – RENEWAL (1) and (2) remain the same.

(3) An application for renewing a permit must be submitted to the Gambling Control Division of the department upon forms prescribed by the department, the permit fee paid, ~~a new permit issued, and the permit affixed to the machine~~ and a new gambling operator license issued which lists the machine for which the permit is issued before a previously permitted machine may be operated after midnight on June 30.

(4) through (6) remain the same.

AUTH: 23-5-115, MCA

IMP: 23-5-612, MCA

RATIONALE AND JUSTIFICATION: This amendment is needed because the permit will no longer be a decal but is rather a listing of permitted machines upon the operator license. These changes will affect most of the 1,600 locations operating video gambling machines and should result in substantial cost savings to operators

who will no longer need to wait for permits to arrive by mail or be required to travel to Helena to pick up permits.

23.16.1826 QUARTERLY REPORTING REQUIREMENTS (1) Machine owner quarterly reporting requirements are as follows:

(a) For each machine not utilizing an approved automated accounting and reporting system, the machine owner or his designated representative must file with the department a quarterly tax report signed by the machine owner or his designated representative. The forms prescribed and supplied by the department require readings from the mechanical and electronic meters as required by the act. The report will be used by the department to verify payment of all taxes and the winning percentage of the machine as required by the act. The following requirements apply:

(i) through (iii) remain the same.

(b) For each machine utilizing an approved automated accounting and reporting system, the machine owner or his designated representative shall transmit files to the department with the following information:

(i) for tier I systems, all electronic meter readings and all events set out in ARM 23.16.2105 for each week the machine is in operation, and the last set of meter readings received before the end of the quarter (meter readings received no more than seven days before the end of the quarter) will be used as quarter end readings for purpose of calculating a tax advisory to be sent to machine owners;

(ii) for tier II systems, all electronic meter readings for each week or two week period for which the machine is approved to report, and within seven days of the last day of each quarter, all electronic and mechanical meter readings, along with an indication that it is the last reading to be reported in the quarter; and

(iii) for tier II systems, before- and after-service electronic and mechanical meter readings must be submitted in a format prescribed by the department, if meters are reset or malfunction.

(c) For machines utilizing an approved automated accounting and reporting system, after the final set of meter readings for the quarter is received, the department will electronically transmit a machine income and tax advisory by machine and location to the machine owner. Upon receipt of the machine income and tax advisory, the owner must contact the department within seven days in order to dispute the machine income and tax advisory.

(d) The machine owner will have until midnight of the 15th day of the month following the quarters ending March 31, June 30, September 30, and December 31 to confirm and pay any tax due by electronic check or credit/debit card.

(2) through (6) remain the same.

AUTH: 23-5-115, 23-5-605, 23-5-621, MCA

IMP: 23-5-115, 23-5-136, 23-5-605, 23-5-610, 23-5-621, 23-5-637, MCA

RATIONALE AND JUSTIFICATION: This amendment leaves intact the requirements for filing manual reports and sets out the requirements for automated accounting and reporting systems. This amendment reflects a change from relying

on the reconciliation of electronic and mechanical meter readings to validate tax reports, to utilizing the accounting records of the route operator or the operator which will be electronically available to the division. For tier I systems, the department will rely on data recorded and transmitted in electronic form from the video gambling machine to the tier I system. For tier II systems, the department will look to the accounting records of the operator or information entered through the department's web site. The changes to the rule also provide for the department to calculate the tax for users of approved systems and a process for the operator to review and pay the tax. It is anticipated that a majority of the 1,600 operators will utilize an automated accounting and reporting system. At this time the department cannot estimate the cost of a system. Every operator will have the option to enter tax reports through the department's web site at no cost. The use of an automated accounting system is expected to provide operators with greater efficiency and accuracy in reporting video gambling machine taxes, resulting in fewer tax and record keeping penalties.

23.16.1916A ACCOUNTING SYSTEM VENDOR LICENSE (1) through (1)(d) remain the same.

(e) a check or money order for ~~\$2,000~~ \$1,500 made payable to the state treasurer, which includes payment for the:

(i) through (3) remain the same.

AUTH: 23-5-115, 23-5-621, MCA

IMP: 23-5-110, 23-5-637, MCA

RATIONALE AND JUSTIFICATION: The amendment adjusts the amount due for the accounting system license which inadvertently was not adjusted when this rule was last amended.

23.16.2101 COMBINATION OF POKER, KENO, AND BINGO (1) and (2) remain the same.

(3) The department shall provide notice to the video gambling machine owner and the video gambling machine lessee not less than 90 days before the date that the video gambling machine ~~is~~ owner is required to submit an application to be connected to the automated accounting and reporting system. The notice shall include a general description of the installation and an estimated cost for connection to the automated accounting and reporting system. Cost estimates for components of the system to be provided by manufacturers will only be included in the notice if available from manufacturers on a timely basis. A video gambling machine shall be committed unless the owner has submitted a Gambling Control Division Form 31(c), (Notice of Movement or Removal of Multi-Game) with the form required by ARM 23.16.1929 (service report) to the Gambling Control Division at least 60 days prior to the date for which the owner has been provided notice that the video gambling machine is to be connected to the automated accounting and reporting system.

(4) and (5) remain the same.

AUTH: 23-5-115, 23-5-612, 23-5-621, MCA

IMP: 23-5-621, 23-5-637, MCA

RATIONALE AND JUSTIFICATION: The amendment provides for coordination between the requirement for parties to multi-game agreements to connect to an approved accounting and reporting system and the process for applying to utilize an approved system. This amendment coordinates the notice process for multi-game agreements with recently adopted rule ARM 23.16.2107. The operator will be provided 90 days notice before the application is required; the operator will then have 60 days between the time the application is made and the time tax reporting begins. It is anticipated that the majority of locations will voluntarily apply to utilize an approved system. At this time the department cannot estimate how many operators will ever be required to utilize an approved system by enforcement of the multi-game agreements. The department will make an effort to educate and encourage operators to voluntarily utilize an approved system or the department's web site.

5. Concerned persons 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 Rick Ask, Gambling Control Division, 2550 Prospect Avenue, P.O. Box 201424, Helena, MT 59620-1424; Fax (406) 444-9157; or e-mail rask@mt.gov, and must be received no later than September 7, 2006.

6. Cregg Coughlin, Assistant Attorney General, Gambling Control Division, has been designated to preside over and conduct the hearing.

7. The Department of Justice 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 that the person wishes to receive notices of rules regarding the Crime Control Division, the Central Services Division, the Forensic Sciences Division, the Gambling Control Division, the Highway Patrol Division, the Law Enforcement Academy, the Division of Criminal Investigation, the Legal Services Division, the Consumer Protection Division, the Motor Vehicle Division, the Justice Information Systems Division, or any combination thereof. Such written request may be mailed or delivered to Rick Ask, 2550 Prospect Avenue, P.O. Box 201424, Helena, MT 59620-1424; Fax (406) 444-9157; or e-mail rask@mt.gov, or may be made by completing a request form at any rules hearing held by the Department of Justice.

8. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

By: /s/ Mike McGrath
MIKE McGRATH
Attorney General, Department of Justice

/s/ Jon Ellingson
JON ELLINGSON
Rule Reviewer

Certified to the Secretary of State July 31, 2006.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the proposed adoption of	)	NOTICE OF PUBLIC
New Rules I through V; amendment of ARM	)	HEARING ON PROPOSED
42.31.102, 42.31.201, 42.31.202, 42.31.203,	)	ADOPTION, AMENDMENT,
42.31.204, 42.31.212, 42.31.221, 42.31.303,	)	AND REPEAL
42.31.308, 42.31.309, 42.31.330, 42.31.345;)	
and repeal of ARM 42.31.103, 42.31.108,)	
42.31.109, 42.31.205, 42.31.340, 42.31.701,)	
and 42.31.703 relating to tobacco products)	
and cigarettes)	

TO: All Concerned Persons

1. On August 31, 2006, at 10:00 a.m., a public hearing will be held in the Director's Office (Fourth Floor) Conference Room of the Sam W. Mitchell Building, at Helena, Montana, to consider the adoption, amendment, and repeal of the above-stated rules.

Individuals planning to attend the hearing shall enter the building through the east doors of the Sam W. Mitchell Building, 125 North Roberts, Helena, Montana.

2. The Department of Revenue 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 Department of Revenue no later than 5:00 p.m., September 1, 2006, to advise us of the nature of the accommodation that you need. Please contact Cleo Anderson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-5828; fax (406) 444-3696; or e-mail canderson@mt.gov.

3. The proposed new rules do not replace or modify any section currently found in the Administrative Rules of Montana. The proposed new rules provide as follows:

NEW RULE I APPLICABILITY OF TOBACCO PRODUCT LICENSES:

PREMISES REQUIREMENTS (1) A tobacco product retailer license shall only be applicable to the premises to which the license was issued and the license must reference the street address of the premises.

(2) The tobacco product must be for sale to the general public in accordance with Title 16, chapters 10 and 11, MCA.

AUTH: 16-11-103, MCA

IMP: 16-11-102, 16-11-123, MCA

REASONABLE NECESSITY: The department is proposing New Rule I to clarify that tobacco product licenses apply only to one premises, and that the license must

reference the premises' street address. Finally, the department proposes the requirement that tobacco products must be available for sale to the general public in accordance with statutory requirements. When adopted, this rule will be placed in subchapter 3, Chapter 31, ARM Title 42.

NEW RULE II A TOBACCO PRODUCT LABELED AS ANYTHING OTHER THAN A CIGARETTE

(1) A tobacco product labeled as anything other than a cigarette or not bearing a label, including but not limited to little cigars, may be considered, as provided in [New Rule III], a cigarette under 16-11-102, MCA, if it meets two or more of the following criteria:

- (a) the product is sold in packs containing 20 or 25 sticks;
- (b) the product is available for sale in cartons of ten packs;
- (c) the product is sold in soft packs, hard packs, flip-top boxes, clam shells, or other cigarette-type boxes;
- (d) the product is of a length and diameter found in commercially-manufactured cigarettes;
- (e) the product has a cellulose acetate or other integrated filter;
- (f) the product weighs less than three pounds per thousand sticks;
- (g) the product is marketed or advertised to consumers as a cigarette or cigarette substitute; or
- (h) other evidence that the product fits within the definition of cigarette in 16-11-102, MCA.

(2) Tobacco products that are determined to be cigarettes must meet the requirements of 16-11-307, MCA.

(3) A cigar is a roll of tobacco that is wrapped in 100% natural leaf tobacco or:

- (a) is wrapped in any substance that contains 75% or more tobacco which did not in the reconstitution process lose its tobacco character (taste, aroma, identifiable chemical components) and is of a color consistent with that of the natural leaf tobaccos traditionally used as a wrapper for American cigars; and
- (b) does not meet the criteria stated in (1).

AUTH: 16-11-103, MCA

IMP: 16-11-102, MCA

REASONABLE NECESSITY: The department is proposing New Rule II to establish criteria that the department will consider when making a determination pursuant to New Rule III. The department recognizes that some tobacco products may be cigarettes, though not labeled as such. The rule further clarifies that cigars must meet the criteria stated in New Rule II to be considered such. When the rule is adopted, it will be placed in subchapter 2, Chapter 31, ARM Title 42.

NEW RULE III DEPARTMENT DETERMINATIONS (1) A manufacturer may request a determination from the department as to whether its product is a cigarette within the meaning of 16-11-102, MCA.

(2) Upon receipt of a manufacturer's request for determination, the department shall determine if a product is a cigarette within the meaning of 16-11-

102, MCA, using the criteria in [New Rule II] and the characteristics of the tobacco product, its packaging and labeling, and the totality of the circumstances.

(3) If the department receives information that a tobacco product may qualify as a cigarette under 16-11-102, MCA, from a source other than the manufacturer, the department may conduct a review and issue a determination in accordance with (4) through (6).

(4) Along with a request for determination, or upon request by the department, the manufacturer shall submit the following:

(a) product samples of at least 20 sticks of each style within each brand family for which a determination is requested;

(b) the weight per thousand sticks of the product;

(c) all advertisements and labels that mention or depict the product and point of sale merchandising material for the product; and

(d) the package and any larger container such as a carton, or detailed graphics for any unprinted or proposed packaging.

(5) The manufacturer may submit any other relevant evidence for the department to consider when making the determination.

(6) The department shall notify the tobacco product manufacturer of its determination in writing within ten days after the department makes the determination.

AUTH: 16-11-103, MCA

IMP: 16-11-102, MCA

REASONABLE NECESSITY: The department is proposing New Rule III to describe the determination process that will be used by the department to identify if a tobacco product is a cigarette for the tax application process. The new rule further outlines the items that will be required from the taxpayer to help with the determination process. When adopted, this rule will be placed in subchapter 2, Chapter 31, ARM Title 42.

NEW RULE IV CONTESTED CASE AND JUDICIAL REVIEW OF DETERMINATIONS (1) A determination by the department that a product is a cigarette pursuant to 16-11-102, MCA, may be contested in the manner prescribed in 15-1-211, MCA, and ARM 42.2.613 through 42.2.620.

(2) In a contested case before the department, the burden of proof shall be on the manufacturer to establish by clear and convincing evidence that the product is not a cigarette as defined in 16-11-102, MCA.

AUTH: 16-11-103, MCA

IMP: 15-1-211, 16-11-102, 16-11-149, MCA

REASONABLE NECESSITY: The department is proposing New Rule IV to direct the taxpayers to the statute and administrative rules that address the contested case process for the department. Section (2) is necessary to clarify the burden of proof in a contested case proceeding. When adopted, this rule will be placed in subchapter 3, Chapter 31, ARM Title 42.

NEW RULE V COMMON CARRIER REPORTING REQUIREMENT (1) A common carrier engaged in interstate commerce hauling, transporting, or shipping is exempt from the statutory reporting requirement in 16-11-128, MCA, if the common carrier:

- (a) only hauls, transports, or ships tobacco products to and from locations outside of Montana; or
- (b) only hauls, transports, or ships tobacco products to and from Montana licensed tobacco products entities.

AUTH: 16-11-103, MCA

IMP: 16-11-104, 16-11-128, MCA

REASONABLE NECESSITY: The department is proposing New Rule V to clarify the reporting requirement set forth in 16-11-104 and 16-11-128, MCA, and minimize the department administrative cost. When adopted, this rule will be placed in subchapter 2, Chapter 31, ARM Title 42.

4. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

42.31.102 MARKING UNSTAMPED CIGARETTES (1) All cigarettes sold in Montana must have a Montana tax insignia except sales made to:

- (a) military reservations; and
- (b) ~~Indian reservations that have entered into a cooperative agreement and require their own stamp; or~~
- (c) licensed wholesalers whose sales are subject to the provisions of ARM 42.31.108.

(2) The method of marking may either be by roll stamps or by hand-applied decals. The system of marking must be uniform and consistent. The marking system must facilitate a visible review to ensure that cigarettes are stamped as required by ~~16-11-111~~ 16-11-113, MCA. The evidence of the tax insignia must clearly indicate that there is one Montana tax insignia per package.

AUTH: 16-11-103, MCA

IMP: ~~16-11-111~~, 16-11-113, 16-11-156, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.31.102 to bring the rule into compliance with the amendments made to Title 16, MCA. Currently, all Montana Indian reservations use the Montana stamp. Section 16-11-111, MCA, was deleted as a reference in the rule because 16-11-113, MCA, is more applicable to the marking of unstamped cigarettes.

42.31.201 DEFINITIONS The following definitions apply to this subchapter:

(1) "Interstate commerce" means the transportation of tobacco products intended for delivery to a person licensed by the department to receive unstamped or untaxed tobacco products in Montana or intended for delivery into another state.

~~(4)~~ (2) "Montana Department of Justice current tobacco product directory" means the ~~cigarette and tobacco manufacturer and brand directory~~ as required by 16-11-504, MCA.

(2) remains the same, but is renumbered (5).

(3) "Reporting entity" means any Montana cigarette wholesaler or licensed Montana retailer acting as a tobacco wholesaler who brings tobacco products into Montana for sale to consumers.

(4) "Retailer acting as a tobacco wholesaler" means a licensed retailer who purchases other tobacco products from a manufacturer, distributor, or importer who has not prepaid the tax on tobacco products.

~~(3)~~ (6) "Tobacco products" include, but are not limited to:

(a) cigarettes;

(b) cigars;

~~(b)~~(c) smoking, chewing, and snuff tobaccos; and

~~(e)~~(d) moist snuff.

(4) remains the same, but is renumbered (7).

AUTH: 16-11-103, MCA

IMP: 16-11-102, 16-11-202, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.31.201 to bring the definition in (1) into compliance with the language found in 16-11-102, MCA, and adds new terms as they apply to other rules in this chapter. The term "Interstate commerce" is added to clarify the term used in New Rule V. New sections (3) and (4) were moved from ARM 42.31.701 and that rule will be repealed.

42.31.202 PAYMENT OF TAX (1) through (3) remain the same.

(4) Failure to provide all the required information in this rule may result in a late filing and late pay penalty added to the tax due in accordance with ARM 42.2.504.

AUTH: 16-11-103, MCA

IMP: 16-11-143, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.31.202(4) to coincide with the current language of 15-1-216, MCA, and be consistent with the department's assessment rules.

42.31.203 OUT-OF-STATE WHOLESALERS (1) All out-of-state wholesalers meeting the conditions of "transacting business in this state" as provided in 35-1-1026, MCA, and all out-of-state wholesalers doing intrastate business within Montana, are subject to all of the provisions of Title 16, chapter 11, part 21, MCA, and these regulations as Montana wholesalers.

AUTH: 16-11-103, MCA

IMP: 16-11-132, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.31.203 to change the internal reference of Title 16, chapter 11, part 2, MCA, to part 1 because House Bill 687 enacted by the 2005 Legislature changed these statutes.

42.31.204 PAYMENT OF TAX BY RETAILER (1) ~~A retailer who purchases tobacco products for which the statutory tobacco products tax has not been precollected and paid to the department, must comply with all the provisions of Title 16, chapter 11, part 2, MCA, and these rules by prepaying the tax.~~

(2) A retailer must assume that the tobacco products tax has not been paid to the department in the absence of the statement required by ARM 42.31.212 on the invoice or sales slip for tobacco products.

AUTH: 16-11-103, MCA

IMP: 16-11-111, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.31.204 to delete (1) because it repeats the language currently found in 16-11-111(10), MCA, and is no longer necessary.

42.31.212 STATEMENT BY WHOLESALER (1) remains the same.

AUTH: 16-11-103, MCA

IMP: ~~16-11-202~~ 16-11-111, ~~16-11-203~~ 16-11-112, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.31.212 to change the implementing cites because 16-11-202 and 16-11-203, MCA, were repealed by the 2005 Legislature and the sections of those laws that apply to ARM 42.31.212 were moved into 16-11-111 and 16-11-112, MCA.

42.31.221 CREDITS FOR UNSALABLE TOBACCO PRODUCTS OTHER THAN CIGARETTES (1) and (2) remain the same.

AUTH: 16-11-103, MCA

IMP: ~~16-11-206~~ 16-11-114, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.31.221 to change the implementing cite because 16-11-206, MCA, was repealed by the 2005 Legislature and the sections of that law that apply to ARM 42.31.221 were moved into 16-11-114, MCA.

42.31.303 WHOLESALE AND RETAILER RECORDS (1) ~~Cigarette and tobacco~~ Tobacco product wholesalers shall keep and maintain records at their place of business of all ~~cigarette~~ or tobacco products furnished or sold to retailers. These records must contain the following information:

- (a) name and address of each retailer;
- (b) date the ~~cigarette~~ or tobacco products were sold;
- (c) date the ~~cigarette~~ or tobacco products were delivered;

(d) through (2) remain the same.

(3) ~~Cigarette and~~ Tobacco product retailers, including a retailer acting as a tobacco wholesaler, shall keep and maintain records at their place of business of all ~~cigarette or~~ tobacco products furnished or sold to consumers. The records must contain the following information:

(a) name and address of each wholesaler;

(b) date the ~~cigarette or~~ tobacco products were purchased; and

(c) balance of product inventory ~~to establish the number of packs of cigarettes on hand.~~

(4) ~~All records must be preserved for a period of five years from the date of purchase or from the date of last entry in the records. The records must include the information required by 16-11-118, MCA.~~

(5) The department may inspect all records in accordance with the provisions of ARM 42.2.305.

AUTH: 16-10-104, 16-11-103, MCA

IMP: 16-10-103, 16-11-118, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.31.303 to remove the reference to cigarettes because the term "tobacco product" as defined by statute now includes "cigarettes". Also the records retention requirement is now provided for in 16-11-118, MCA, and is no longer necessary in rule. The department is also adding 16-10-103, MCA, as an implementing cite because that statute defines the term "tobacco product".

42.31.308 WHOLESALE/RETAIL PRICES (1) remains the same.

(2) There is only one basic ~~post~~ cost for each brand or style of cigarettes.

The minimum price computation for Montana taxed cigarettes is:

The minimum price computation table remains the same.

(3) remains the same.

AUTH: 16-11-103, MCA

IMP: 16-10-103, 16-10-104, 16-11-111, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.31.308 to correct a typographical error and add the new statutes as implementing cites because the rule also implements the provisions of those statutes.

42.31.309 DEFINITIONS In addition to the definitions found in 16-10-103, MCA, the following definitions apply to this subchapter:

(1) through (3) remain the same.

AUTH: ~~16-10-104~~ 16-11-103, MCA

IMP: 16-10-103, ~~16-10-304~~ 16-10-304, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.31.309

to correct the authority and implementing statutes.

42.31.330 DECALS ON VENDING MACHINES (1) Decals issued as part of the annual vendor license must be affixed to the front of all vending machines within full view of tobacco products purchasers, within 30 days from the date of receipt by the tobacco product vendor or retailer that owns and operates the vending machines.

(2) and (3) remain the same.

AUTH: 16-11-103, 16-11-312, MCA

IMP: 16-11-102, 16-11-123, 16-11-304, 16-11-306, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.31.330 because 16-11-304 and 16-11-306, MCA, do not preclude a retailer from affixing the decal but 16-11-308, MCA, requires a retailer to ensure the decals are displayed. Section 16-11-103, MCA, is being added as an authority statute because this rule also addresses terms that are used in Title 16, chapter 11, part 1, MCA. The department is proposing to add 16-11-102 and 16-11-123, MCA, as implementing cites because the new language addresses terms found in those statutes.

42.31.345 PENALTIES FOR YOUTH ACCESS (1) and (2) remain the same.

AUTH: 16-11-312, MCA

IMP: 16-11-308, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.31.345 to amend the title and add the words "for youth access" to better clarify that the penalties stated in this rule only apply to the Youth Access to Tobacco Products Control Act.

5. The department proposes to repeal the following rules:

42.31.103 SECURITY OF UNSTAMPED CIGARETTES which can be found on page 42-3105 of the Administrative Rules of Montana.

AUTH: 16-11-103, MCA

IMP: 16-11-113, 16-11-133, MCA

REASONABLE NECESSITY: The department is proposing to repeal ARM 42.31.103 because the rule is no longer applicable to the practice of the agency.

42.31.108 SALES OF UNSTAMPED CIGARETTES which can be found on page 42-3107 of the Administrative Rules of Montana.

AUTH: 16-11-103, MCA

IMP: 16-11-132, 16-11-156, MCA

REASONABLE NECESSITY: The department is proposing to repeal ARM 42.31.108 because the law has been amended to address this issue and the requirements contained in this rule are available in 16-11-156, MCA.

42.31.109 SALE OF OTHER STATE-STAMPED CIGARETTES which can be found on page 42-3107 of the Administrative Rules of Montana.

AUTH: 16-11-103, MCA

IMP: 16-11-132, MCA

REASONABLE NECESSITY: The department is proposing to repeal ARM 42.31.109 because the intent of this rule is now provided for by statute and can be found in 16-11-132, MCA.

42.31.205 DISPLAY OF NOTICE OF TAX which can be found on page 42-3122 of the Administrative Rules of Montana.

AUTH: 16-11-103, MCA

IMP: 16-11-202, MCA

REASONABLE NECESSITY: The department proposes to repeal ARM 42.31.205 because the intent of this rule is provided by statute and can be found in 16-31-112, MCA.

42.31.340 PACKAGING OF TOBACCO PRODUCTS which can be found on page 42-3144.5 of the Administrative Rules of Montana.

AUTH: 16-11-312, MCA

IMP: 16-11-307, MCA

REASONABLE NECESSITY: The department is proposing to repeal ARM 42.31.340 because the term "tobacco product" described in 16-11-302(5), MCA, includes bulk tobacco products. Section 16-11-307, MCA, does not allow tobacco products to be repackaged. Therefore, this rule is no longer necessary.

42.31.701 DEFINITIONS which can be found on page 42-3163 of the Administrative Rules of Montana.

AUTH: 16-11-402, MCA

IMP: 16-11-201, 16-11-402, MCA

REASONABLE NECESSITY: The department is proposing to repeal ARM 42.31.701 because the text of this rule has been moved into ARM 42.31.201.

42.31.703 DEPARTMENT EXAMINATIONS AND PRESERVATION OF RECORDS which can be found on page 42-3163 of the Administrative Rules of Montana.

AUTH: 16-11-402, MCA
IMP: 16-11-118, 16-11-403, MCA

REASONABLE NECESSITY: The department is proposing to repeal ARM 42.31.703 because it is proposing to delete (7) and blend the rules in that subchapter with (2) to better serve our customers.

6. Concerned persons 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:

Cleo Anderson
Department of Revenue
Director's Office
P.O. Box 7701
Helena, Montana 59604-7701

and must be received no later than September 8, 2006.

7. Cleo Anderson, Department of Revenue, Director's Office, has been designated to preside over and conduct the hearing.

8. An electronic copy of this Notice of Public Hearing is available through the department's site on the World Wide Web at www.mt.gov/revenue, under "for your reference"; "DOR administrative rules"; and "upcoming events and proposed rule changes." The department strives to make the electronic copy of this Notice of Public Hearing 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. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The Department of Revenue 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 that the person wishes to receive notices regarding particular subject matter or matters. Such written request may be mailed or delivered to the person in 6 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

10. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Dan R. Bucks
DAN R. BUCKS
Director of Revenue

Certified to Secretary of State July 31, 2006

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 6.6.5203 pertaining to small)
business health insurance purchasing)
pool, premium assistance and premium)
incentive payments, and tax credits)

TO: All Concerned Persons

1. On June 22, 2006, the State Auditor and Commissioner of Insurance published MAR Notice No. 6-166 regarding a public hearing on the proposed amendment of the above-stated rule at page 1502 of the 2006 Montana Administrative Register, Issue No. 12.

2. On July 13, 2006, the State Auditor and Commissioner of Insurance held a public hearing on the proposed amendment of the above-stated rule in Helena. One member of the public attended the hearing, with no testimony received. Two written comments were received before the July 21, 2006 deadline.

3. The State Auditor and Commissioner of Insurance has considered the following comments received:

COMMENT 1: A comment was received from Web Brown, on behalf of the Chamber of Commerce, expressing support for the rule change. The Chamber of Commerce would like to see the number of employees allowed for determining eligibility for the program increased beyond nine.

RESPONSE 1: None required.

COMMENT 2: A comment was received from Representative Wanzenreid (bill sponsor) supporting the rule change.

RESPONSE 2: None required.

4. The department has amended ARM 6.6.5203 exactly as proposed.

JOHN MORRISON, State Auditor
and Commissioner of Insurance

By: /s/ Alicia Pichette
Deputy Insurance Commissioner

By: /s/ Christina L. Goe
Christina L. Goe
Rules Reviewer

Certified to the Secretary of State on July 31, 2006.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)
17.8.101, 17.8.102, 17.8.103, 17.8.302,)
17.8.340, 17.8.767, 17.8.801, 17.8.802,)
17.8.818, 17.8.902, 17.8.1002,)
17.8.1202, and 17.8.1502 pertaining to)
incorporation by reference of current)
federal regulations and other materials)
into air quality rules)

NOTICE OF AMENDMENT

(AIR QUALITY)

TO: All Concerned Persons

1. On April 6, 2006, the Board of Environmental Review published MAR Notice No. 17-245 regarding a notice of public hearing on the proposed amendment of the above-stated rules at page 823, 2006 Montana Administrative Register, issue number 7.

2. The board has amended the rules exactly as proposed.

3. No comments or testimony were received.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ David Rusoff
DAVID RUSOFF
Rule Reviewer

By: /s/ Joseph W. Russell
JOSEPH W. RUSSELL, M.P.H.
Chairman

Certified to the Secretary of State, July 31, 2006.

BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the adoption of NEW RULES) NOTICE OF ADOPTION
I - IX pertaining to the professional assistance)
program)

To: All Concerned Persons

1. On April 20, 2006, the Board of Medical Examiners (board) published MAR Notice No. 24-156-64 regarding the proposed adoption of the above-stated rules, at page 1015 of the 2006 Montana Administrative Register, issue no. 8.

2. On May 18, 2006, a public hearing was held on the proposed adoption of the above-stated rules in Helena. No comments or testimony were received.

3. The board has adopted NEW RULE I (24.156.430), NEW RULE II (24.156.433), NEW RULE III (24.156.431), NEW RULE IV (24.156.432), NEW RULE V (24.156.435), NEW RULE VI (24.156.438), NEW RULE VII (24.156.440), NEW RULE VIII (24.156.441), and NEW RULE IX (24.156.444) exactly as proposed.

BOARD OF MEDICAL EXAMINERS
MICHAEL D. LAPAN, DPM, PRESIDENT

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 31, 2006

BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF AMENDMENT,
24.156.1601, 24.156.1604, 24.156.1625,) ADOPTION, AND REPEAL
the adoption of NEW RULES I-VII, and)
the repeal of ARM 24.156.1603,)
24.156.1605, 24.156.1606, 24.156.1607,)
24.156.1608, 24.156.1609, 24.156.1610,)
24.156.1611, 24.156.1612, 24.156.1613,)
24.156.1614, and 24.156.1615,)
pertaining to physician assistant licensure)

To: All Concerned Persons

1. On February 23, 2006, the Board of Medical Examiners (board) published MAR Notice No. 24-156-63 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules, at page 483 of the 2006 Montana Administrative Register, issue no. 4.

2. On March 23, 2006, a public hearing was held on the proposed amendment, adoption, and repeal of the above-stated rules in Helena. Two members of the public spoke at the public hearing. In addition, one written comment was received by the March 31, 2006, deadline.

3. The board has thoroughly considered the comments and testimony received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: One written comment was received that asked for clarification of NEW RULE VI, Chart Review (3). Particularly, the commenter asked whether the supervising physician who reviews charts can dictate amendments, modifications, or guidance and then sign off, and/or whether the PA can document the comments, amendments, etc. and have the supervising physician sign off. The commenter also questioned whether the amendments, guidance, etc. are discoverable and whether the new requirements will create a substantial burden on physicians that may prevent them from supervising PAs in Montana.

RESPONSE 1: The board thanks this commenter for the close reading of the new rule. After considering these concerns, the board finds that the language of the new rule clearly allows a physician to sign off after dictating or after a physician assistant makes the amendments. The board commented that medical records have always been discoverable. This rule in no way changes that.

COMMENT 2: Two oral comments were made by physician assistants during the hearing. Both supported the new rules.

RESPONSE 2: The board thanks these physician assistants for their support of the new rules.

4. The board has amended ARM 24.156.1601, 24.156.1604, and 24.156.1625 exactly as proposed.

5. The board has adopted NEW RULE I (24.156.1617), NEW RULE II (24.156.1618), NEW RULE III (24.156.1620), NEW RULE IV (24.156.1621), NEW RULE V (24.156.1622), NEW RULE VI (24.156.1623), and NEW RULE VII (24.156.1624) exactly as proposed.

6. The board has repealed ARM 24.156.1603, 24.156.1605, 24.156.1606, 24.156.1607, 24.156.1608, 24.156.1609, 24.156.1610, 24.156.1611, 24.156.1612, 24.156.1613, 24.156.1614, and 24.156.1615 exactly as proposed.

BOARD OF MEDICAL EXAMINERS
MICHAEL LAPAN, DPM, PRESIDENT

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 31, 2006

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rules I through VI relating to movie)
and television industries and related)
media - tax credit)

TO: All Concerned Persons

1. On June 12, 2006, the department published MAR Notice No. 42-2-761 regarding the proposed adoption of the above-stated rules at page 1564 of the 2006 Montana Administrative Register, issue no. 12.

2. A public hearing was held on July 17, 2006, to consider the proposed adoption. No one appeared at the hearing to testify and no written comments were received. Therefore, the department adopts the rules as proposed.

3. The department adopts New Rule I (42.4.3301), New Rule II (42.4.3302), New Rule III (42.4.3303), New Rule IV (42.4.3304), New Rule V (42.4.3305), and New Rule VI (42.4.3306) as proposed.

4. An electronic copy of this Adoption Notice is available through the department's site on the World Wide Web at www.mt.gov/revenue, under "for your reference"; "DOR administrative rules"; and "upcoming events and proposed rule changes." The department strives to make the electronic copy of this Adoption 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. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Dan R. Bucks
DAN R. BUCKS
Director of Revenue

Certified to Secretary of State July 31, 2006

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 42.20.106 and 42.20.117)
relating to manufactured and mobile)
homes)

TO: All Concerned Persons

1. On May 18, 2006, the department published MAR Notice No. 42-2-760 regarding the proposed amendment of the above-stated rules at page 1238 of the 2006 Montana Administrative Register, issue no. 10.

2. A public hearing was held on June 7, 2006, to consider the proposed amendment. Mr. Stuart Doggett representing the Montana Land Title Association and the Montana Manufactured Housing Association appeared at the hearing. Mr. Doggett thanked the department for working with those groups to address and clarify issues pertaining to the rules and stated that he felt the rules helped clarify the intent of the law.

3. The department amends ARM 42.20.106 and 42.20.117 as proposed.

4. An electronic copy of this Adoption Notice is available through the department's site on the World Wide Web at www.mt.gov/revenue, under "for your reference"; "DOR administrative rules"; and "upcoming events and proposed rule changes." The department strives to make the electronic copy of this Adoption 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. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Dan R. Bucks
DAN R. BUCKS
Director of Revenue

Certified to Secretary of State July 31, 2006

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 42.21.158 relating to property)
reporting requirements)

TO: All Concerned Persons

1. On May 18, 2006, the department published MAR Notice No. 42-2-759 regarding the proposed amendment of the above-stated rule at page 1235 of the 2006 Montana Administrative Register, issue no. 10.

2. A public hearing was held on June 7, 2006, to consider the proposed amendment. No one appeared at the hearing to testify.

3. The department amends ARM 42.21.158 as proposed.

4. An electronic copy of this Adoption Notice is available through the department's site on the World Wide Web at www.mt.gov/revenue, under "for your reference"; "DOR administrative rules"; and "upcoming events and proposed rule changes." The department strives to make the electronic copy of this Adoption 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. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Dan R. Bucks
DAN R. BUCKS
Director of Revenue

Certified to Secretary of State July 31, 2006

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;
- Office of the State Auditor and Insurance Commissioner; and
- Office of Economic Development.

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.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

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 or Register) 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 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 that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through March 31, 2006. This table includes those rules adopted during the period April 1 through June 30, 2006 and any proposed rule action that was pending during the past six-month period. (A notice of adoption must be published within six 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 or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through March 31, 2006, 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 2006 Montana Administrative Register.

To aid the user, the Accumulative Table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

ADMINISTRATION, Department of, Title 2

I	Retention of Credit Union Records, p. 1759
I-VIII	Montana Land Information Act, p. 950, 1864
I-X	Definitions - Licensing and Application Requirements - Ownership Change - Examination of Title Lenders - Duration of Loans - Extensions - Reports - Schedule of Charges - Employees' Character and Fitness - Procedural Rules for Hearing and Discovery Proposed for Adoption under the Montana Title Loan Act, p. 1125, 1334, 1839, 883
2.21.3702	and other rules - Recruitment and Selection Policy, p. 1482
2.59.111	Retention of Bank Records, p. 1762
2.59.307	Dollar Amounts to Which Consumer Loan Rates are to be Applied, p. 373, 1138
2.59.801	and other rules - Foreign Capital Depositories, p. 2130, 205
2.59.1409	Duration of Loans - Interest - Extensions, p. 1099, 1866
2.59.1501	and other rules - Definitions - Application Procedure Required to Engage in Deposit Lending - Reports - Schedule of Charges - Employees' Character and Fitness - Electronic Deductions - Income Verification, p. 375, 614, 1373
2.59.1705	and other rule - Licensing Examination and Continuing Education Provider Requirements - Records to be Maintained, p. 1498

(State Lottery Commission)

2.63.201 and other rules - State Lottery's Procedures - Retailers, Licensing, Scratch Tickets and Prizes, p. 1, 526, 1040

AGRICULTURE, Department of, Title 4

4.5.313 and other rule - Noxious Weed Seed Free Forage, p. 812, 1246

4.6.202 Potato Assessment Fees, p. 380, 889

4.11.1201 and other rule - Specific Agricultural Ground Water Management Plan, p. 1765

4.13.1001A State Grain Laboratory Fees, p. 1193, 1731

STATE AUDITOR, Title 6

6.6.3504 Contents of Annual Audited Financial Report, p. 273

6.6.5203 Small Business Health Insurance Purchasing Pool - Premium Assistance and Premium Incentive Payments - Tax Credits, p. 1502

6.6.6811 and other rules - Captive Insurance Companies, p. 861, 2448, 321

6.6.8301 Updating References to the NCCI Basic Manual for New Classifications Affecting the Aviation Industry, p. 1334

COMMERCE, Department of, Title 8

I Administration of the 2006-2007 Federal Community Development Block Grant (CDBG) Program, p. 2133, 890

(Montana Coal Board)

8.101.101 and other rules - Community Development Division - Administration of Coal Board Grants, p. 816, 1378

(Board of Housing)

8.111.409 Cash Advances Made to Borrowers or Third Parties, p. 1102, 1732

EDUCATION, Title 10

(Board of Public Education)

10.55.603 and other rule - Assessment, p. 113

10.55.701 and other rules - Accreditation Standards, p. 2488, 755

10.65.101 Pupil Instruction-related Days, p. 1769

(Montana State Library)

10.102.1151 and other rules - Public Library Standards, p. 2491, 1571

10.102.4001 Reimbursement to Libraries for Interlibrary Loans, p. 1197

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

(Fish, Wildlife, and Parks Commission)

- I Annual Lottery of Hunting Licenses, p. 2503, 669
- 12.6.2205 and other rules - Exotic Species, p. 1771
- 12.8.211 and other rules - Commercial Use of Lands under the Control of the Department, p. 1779
- 12.9.802 and other rules - Game Damage Hunts - Management Seasons - Game Damage Response and Assistance, p. 1105, 1201, 1867
- 12.11.501 List of Water Bodies (Index Rule), p. 2285, 675

ENVIRONMENTAL QUALITY, Department of, Title 17

- I-XVIII Methamphetamine Cleanup Program - Decontamination of Inhabitable Property Contaminated by Clandestine Manufacture of Methamphetamine, p. 142, 1042
- 17.50.201 and other rule - Motor Vehicle Recycling and Disposal- Motor Vehicle Wrecking Facility License, p. 2506, 758
- 17.56.101 and other rules - Underground Storage Tanks, p. 115, 913
- 17.74.343 and other rules - Asbestos Control - Asbestos Control Program, p. 125, 1574, 1876
- 17.85.101 and other rules - Alternative Energy Revolving Loan Program, p. 1678

(Board of Environmental Review)

- I Solid Waste - State Solid Waste Management and Resource Recovery Plan, p. 2016, 909
- 17.8.101 and other rules - Incorporation by Reference of Current Federal Regulations and Other Materials into Air Quality Rules, p. 823
- 17.8.501 and other rules - Air Quality - Definitions - Air Quality Operation Fees - Open Burning Fees, p. 1504
- 17.8.504 and other rules - Air Quality - Establishing a Registration System for Certain Facilities That Presently Require an Air Quality Permit, p. 2513, 893
- 17.8.740 and other rules - Air Quality - Definitions - Incorporation by Reference - Mercury Emission Standards - Mercury Emission Credit Allocations, p. 1112
- 17.24.116 Application Requirements for Operating Permit, p. 1649, 2544, 154
- 17.30.670 and other rules - Water Quality - Nondegradation Requirements for Electrical Conductivity (EC) and Sodium Adsorption Ratio (SAR) - Definitions for Technology-based Effluent Limitations - Minimum Technology-based Controls - Treatment Requirements for the Coal Bed Methane Industry, p. 1844, 2288, 1247, 1733
- 17.30.1303 and other rules - Water Quality - Concentrated Animal Feeding Operations (CAFOs) - Adoption of Department Circular DEQ 9 (Montana Technical Standards for CAFOs), p. 2962, 864, 1995, 532

- (Board of Environmental Review and the Department of Environmental Quality)
- 17.24.132 and other rules - Air Quality - Asbestos - Hazardous Waste - Junk Vehicles - Major Facility Siting - Metal Mine Reclamation - Opencut Mining - Public Water Supply - Septic Pumps - Solid Waste - Strip And Underground Mine Reclamation - Subdivisions - Underground Storage Tanks - Water Quality - Revising Enforcement Procedures Under the Montana Strip and Underground Mine Reclamation Act, Metal Mine Reclamation Laws, and Opencut Mining Act - Providing Uniform Factors for Determining Penalties, p. 2523, 1139, 1379, 1874
- 17.30.502 and other rules - Water Quality - Subdivisions - CECRA - Underground Storage Tanks - Department Circular WQB-7 - Outstanding Resource Waters, p. 1957, 528
- 17.36.345 and other rules - Public Water and Sewage System Requirements and Subdivisions - Adoption by Reference, Plans for Public Water Supply or Wastewater System - Fees - Treatment Requirements - Disinfection, p. 2002, 540

(Petroleum Tank Release Compensation Board)

- 17.58.326 and other rule - Applicable Rules Governing the Operation and Management of Petroleum Storage Tanks and Review of Claims, p. 1202, 1734

TRANSPORTATION, Department of, Title 18

- 18.6.202 and other rules - Transportation Commission - Outdoor Advertising, p. 276, 1878
- 18.8.101 and other rules - Motor Carrier Services Regulations for Over Dimensional and Overweight Vehicles and Loads, p. 2142, 206
- 18.8.1501 and other rules - Incorporation of Amendments to Federal Regulations Pertaining to Motor Vehicle Standards - General Revisions to Clarify Scope of Rules, p. 617, 1160
- 18.9.704 Definitions for Motor Fuels, p. 14, 676

CORRECTIONS, Department of, Title 20

- 20.9.101 and other rules - Youth Placement Committees - Juvenile Detention Intervention Program (JDIP), p. 831
- 20.9.601 and other rules - Licensure of Youth Detention Facilities, p. 1722, 2665, 677

JUSTICE, Department of, Title 23

- I-V Credit Counseling Services, p. 2373, 207
- 2.61.101 and other rules - Consumer Protection Office - Transfer from the Department of Administration, p. 322
- 23.16.101 and other rules - Accounting System Vendor License Fee - General Specifications of Approved Automated Accounting and Reporting

- Systems - Modification of Approved Automated Accounting and Reporting Systems - System May Not be Utilized for Player Tracking - Testing of Automated Accounting and Reporting Systems - Application to Utilize an Approved System - Continuation of Use of System When Vendor License Lapses - Definitions for Vendors and System Licensing of System Vendors - Information to be Provided to Department - Testing Fees, p. 1206, 1735
- 23.17.101 and other rules - MLEA Attendance - MLEA Performance Criteria - Rules, Regulations, Policies, and Procedures - Waiver of Rules, p. 1690

LABOR AND INDUSTRY, Department of, Title 24

Boards under the Business Standards Division are listed in alphabetical order following the department rules.

- I-XVIII Elevator Services Occupational Licensing Program, p. 2293, 553
I-XIV and other rules - Department and All Boards - Fees - Licensing - Renewals, p. 383, 1584
- 24.11.101 and other rules - Unemployment Insurance Laws, p. 284, 916
24.11.452A and other rules - Unemployment Insurance, p. 1699
24.17.127 Prevailing Wage Rates for Public Work Projects - Building Construction Services, p. 1217
24.17.127 Prevailing Wage Rates for Public Works Projects - Nonconstruction Services - Heavy and Highway Construction Services, p. 2290, 679
24.26.508 and other rule - Board of Personnel Appeals - Consolidation of Wage and Classification Appeals, p. 296, 918
24.29.1401 and other rules - Allowable Medical Service Billing Rates for Workers' Compensation Claims, p. 1005
24.29.1409 Travel Expense Reimbursement for Workers' Compensation Medical Services, p. 1350, 210
24.29.2831 Penalties Assessed Against Uninsured Employers, p. 1703
24.29.4301 and other rules - Workers' Compensation Reporting Database, p. 1570, 546
24.30.102 Occupational Safety Matters in Public Sector Employment, p. 1220, 1740
24.30.1302 and other rule - Occupational Health and Safety in Mines, p. 1706
24.122.401 and other rule - Boiler and Boiler Operator Program - Boiler Operating Engineers Licenses, p. 300, 1277
24.144.411 and other rule - Renewal of License or Endorsement, p. 2312, 224
24.301.138 and other rules - Building Codes, p. 2021, 567
24.351.215 License Fee Schedule for Weighing and Measuring Devices, p. 1356

(Board of Alternative Health Care)

- I & II Fee Abatement - License Renewal for Activated Military Reservists, p. 706, 1881

(Board of Architects)

24.114.301 and other rules - Definitions - General Provisions - Licensing - Renewals - Unprofessional Conduct - Screening Panel - Complaint Procedure, p. 620, 1381

(Board of Athletics)

24.117.301 and other rules - Definitions - General Provisions - Contest Regulations - Boxing Regulations - Ring Regulations - Boxing Officials - Club Boxing - Promoter - Bout Approval - Referee - Fee Abatement - Suspension and Revocation - Mixed Martial Arts, p. 157, 1161

(Board of Barbers and Cosmetologists)

24.121.301 and other rules - Definitions - Fees - Variances - Applications for Licensure - Out-of-State Applicants - School Requirements - School Operating Standards - Student Withdrawal, Transfer, or Graduating - Teacher-Training Curriculum - Continuing Education- Instructors/Inactive Instructors - Unprofessional Conduct - Fee Abatement - Continuing Education-Licensees/Inactive Licensees - Field Trips, p. 629, 1383

(Board of Chiropractors)

24.126.301 and other rules - Definitions - Fee Schedule - Licensing and Scope of Practice - Licensing and Board Specific Rules - Impairment Evaluators - Renewals-Continuing Education Requirements - Unprofessional Conduct - Fee Abatement - Participation in Disaster and Emergency Care-Liability of Chiropractor, p. 845, 1609

(Crane and Hoisting Operating Engineers Program)

I Incorporation by Reference of ANSI B30.5, p. 1509

24.135.501 and other rules - Hoisting Operators License Requirements - Crane Hoisting Operators License Requirements - Mine Hoisting Operators License Requirements - Fee Schedule - Renewals - National Commission Certification - Failed Examinations - Applications - Citations and Fines, p. 1871, 219

(Board of Dentistry)

24.138.301 and other rules - General Provisions - Licensing - Renewals and Continuing Education - Unprofessional Conduct - Screening Panel - Anesthesia - Professional Assistance Program - Reactivation of a Lapsed License - Reactivation of an Expired License - Definition of Nonroutine Application - Fee Abatement - Reinstatement of License for Nonpayment of Renewal Fee - Denturist License Reinstatement - Complaint Procedure, p. 1795

(State Electrical Board)

24.141.405 and other rules - Fee Schedule - Continuing Education - Licensee Responsibilities - Fee Abatement, p. 17, 1278, 1612

(Board of Funeral Service)

24.147.302 and other rules - Definitions - Substantive Rules - Licensing - Mortuary Requirements - Crematory Rules - Cemetery Regulation Rules - Branch Facilities - Prearranged Funeral Agreements - Continuing Education - Complaint Filing - Fee Abatement - Renewal of Cemetery Licenses - Cemetery Authority Rules, p. 642, 1169

(Board of Medical Examiners)

I & II Medical Assistants - Fee Abatement, p. 1882, 2676, 759
I-IX Professional Assistance Program, p. 1015
24.156.1601 and other rules - Physician Assistant Licensure, p. 483

(Board of Nursing)

8.32.301 and other rules - Nursing, p. 956

(Board of Occupational Therapy Practice)

24.165.401 and other rule - Fees - Fee Abatement, p. 495, 1049
24.165.404 and other rules - Application for Licensure - Examinations - Continuing Education, p. 710, 1614

(Board of Outfitters)

8.39.501 and other rules - Outfitter Licensing and Operations - Transfer from the Department of Commerce, p. 1549, 324

(Board of Pharmacy)

24.174.301 and other rules - Definitions - General Provisions - Licensing - Internship Regulations - Pharmacy Technicians - Certified Pharmacies - Mail Service Pharmacies - Institutional Pharmacies - Wholesale Drug Distributors Licensing - Dangerous Drugs - Renewals and Continuing Education - Screening Panel - Inactive License - Telepharmacy Operations - Remote Telepharmacy Dispensing Machine Sites - Central Filling by Hub Pharmacies - Ambulatory Surgical Facilities - Fee Abatement, p. 23, 1615
24.174.401 and other rule - Fees - Dangerous Drug Fee Schedule, p. 1814

(Board of Physical Therapy Examiners)

24.177.401 Fees, p. 2376, 225

(Board of Plumbers)

24.180.607 and other rule - Temporary Practice Permits - Continuing Education Requirements, p. 893, 2460, 764

(Board of Private Security Patrol Officers and Investigators)

8.50.423 and other rules - Private Security Patrol Officers and Investigators - Fee Schedule - Firearms Training Course Curriculum and Standards, p. 605, 1926

24.182.401 and other rules - Fee Schedule - Licensure Requirements - Type of Firearm - Requirements for Firearms Instructor Licensure - Armed Requalification Required Annually - Company Licensure and Branch Offices - Rules for Branch Office, p. 1710

(Board of Professional Engineers and Professional Land Surveyors)

24.183.404 and other rules - Fee Schedule - License Seal - Classification of Experience for Engineering Applicants - Continuing Education - Safety, Health, and Welfare of the Public - Classification of Experience - Branch Offices - Fee Abatement, p. 303, 1630

24.183.2101 and other rule - Expiration of License - Renewal - Expired Certificate - Renewal Grace Period, p. 713, 1633

(Board of Radiologic Technologists)

24.204.208 and other rules - Applications - Limited Permit Applications - Types - Permits - Practice Limitations - Permit Examinations - Renewal - Proof of Good Standing, p. 1819

(Board of Real Estate Appraisers)

24.207.401 and other rules - Fees - Licensing - Continuing Education - Renewals, p. 52, 765, 919

24.207.505 and other rules - Qualifying Education Requirements for Licensed Real Estate Appraisers - Qualifying Education Requirements for Residential Certification - Qualifying Education Requirements for General Certification - Trainee Requirements, p. 716, 1634

(Board of Realty Regulation)

24.210.602 Examination, p. 1824

24.210.667 and other rule - Continuing Real Estate Education - New Licensee Mandatory Continuing Education for Salespersons, p. 2546, 1171

(Board of Respiratory Care Practitioners)

24.213.402 and other rule - Application for Licensure - Examination, p. 1716

(Board of Sanitarians)

24.216.402 Fee Schedule, p. 61, 1051

(Board of Speech-Language Pathologists and Audiologists)

24.222.301 and other rules - Definitions - Fees - Licensing and Scope of Practice - Speech Pathology and Audiology Aides - Continuing Education - Unprofessional Conduct - Fee Abatement - Licensure of Speech-Language Pathologists and Audiologists, p. 1337

(Board of Veterinary Medicine)

24.225.301 and other rule - Definitions - Out-of-State Licensure Endorsement - Occasional Case Exemption - Fee Abatement, p. 64, 766

LIEUTENANT GOVERNOR, Office of the, Title 30

30.2.201 and other rules - Centennial Grants - Centennial Sanctioning, p. 1358, 226

LIVESTOCK, Department of, Title 32

32.2.401 and other rules - License Fees - Permit Fees - Miscellaneous Fees, p. 853, 1282

32.2.403 Diagnostic Laboratory Fees, p. 1359, 1882

32.6.701 and other rules - Animal Feeding, Slaughter, and Disposal, p. 657, 1021, 1283

(Board of Milk Control)

32.24.513 Computation of Price for Quota Milk and Excess Milk, p. 2551, 330

(Board of Horse Racing)

32.28.501 and other rule - Horse Racing, p. 194, 680

32.28.505 Purse Disbursement, p. 860, 1284

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

I Specifying Deadline for Water Rights Adjudication Fee Appeals under Adjudication Fee, p. 197, 767

36.11.304 and other rules - Equipment Operation in the SMZ - Retention of Trees and Clearcutting in the SMZ - Site-specific Alternative Practices - Definitions - Penalties for Violation of the Streamside Management Zone Law, p. 499, 1883

36.12.101 Municipal Use of Water, p. 2316, 199, 1387

36.21.415 Fee Schedule for Water Well Contractors, p. 720, 1177

(Board of Oil and Gas Conservation)

36.22.1242 Privilege and License Tax Rates on Oil and Gas, p. 1827

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

I-V Medicare Part D Low Income Subsidies, p. 2423, 575

I-XIV State Trauma Care System, p. 723, 1896

I-XV Pharmacy Access Prescription Drug Benefit Program (Big Sky Rx), p. 2558, 336

37.12.401 Laboratory Testing Fees, p. 1227

37.30.405 Vocational Rehabilitation Program Payment for Services, p. 1223, 1892

37.36.604 and other rule - Montana Telecommunications Access Program (MTAP), p. 510, 1052

37.37.101 and other rules - Implementation of a Children's Mental Health Direct Care Worker Wage Increase, p. 863, 1635

- 37.37.316 and other rules - Youth Foster Homes - Further Amendment of Rule V, p. 2379, 524, 1395
- 37.40.307 and other rules - Medicaid Reimbursement of Nursing Facilities, p. 1024, 1638
- 37.62.2101 and other rules - Modification of Child Support Orders, p. 2414, 574
- 37.75.101 and other rules - Child and Adult Care Food Program (CACFP), p. 2168, 331
- 37.78.102 and other rules - Temporary Assistance for Needy Families (TANF), p. 1720
- 37.80.101 and other rules - Child Care Assistance Program, p. 1555
- 37.82.101 and other rule - Medicaid Eligibility, p. 1830
- 37.82.101 Medicaid Assistance, p. 1550
- 37.85.212 Resource Based Relative Value Scale (RBRVS), p. 872, 1422
- 37.85.406 and other rules - Medicaid Hospital and Ambulatory Surgical Center Reimbursement, p. 68, 768
- 37.86.1001 and other rules - Medicaid Dental Services - Durable Medical Equipment - Eyeglass Services - Ambulance Services - Transportation, p. 1126, 1894
- 37.86.1105 Medicaid Outpatient Drugs - Pharmacy Reimbursement for Medicare Part D Dual Eligibles, p. 2319, 227
- 37.86.2901 and other rules - Medicaid Reimbursement for Inpatient and Outpatient Hospital Services, p. 1030, 1640
- 37.89.103 and other rules - Mental Health Access Plan Prescription Drug Benefits for Persons Eligible for Medicare, p. 513, 1053
- 37.95.102 and other rules - Licensure of Day Care Facilities, p. 2572, 201, 1424
- 37.104.101 and other rules - Emergency Medical Services, p. 1368
- 37.104.101 and other rules - Emergency Medical Services, p. 1238, 2681, 229
- 37.106.1946 and other rules - Outpatient Crisis Response Facilities, p. 2428, 1023, 1285
- 37.108.507 Components of Quality Assessment Activities, p. 520, 1642
- 37.111.825 School Health Supervision and Maintenance, p. 2555, 667, 1296
- 37.114.101 and other rules - Control of Communicable Diseases, p. 1512

PUBLIC SERVICE REGULATION, Department of, Title 38

- 38.5.2001 and other rules - Energy Standards for Public Utilities, p. 878, 1461
- 38.5.2202 and other rule - Pipeline Safety, p. 2323, 231
- 38.5.3301 and other rules - Telecommunications Service Standards, p. 1844
- 38.5.4111 InterLATA and IntraLATA PIC Change Charges, p. 2440, 232

REVENUE, Department of, Title 42

- I & II Gains Calculations - Voluntary Disclosure, p. 314, 921
- I-VI Movie and Television Industries and Related Media - Tax Credit, p. 1564
- I-VI Issuance of Administrative Summons by the Department, p. 2635, 312, 681

- 42.2.304 Montana Source Income - Economic Impact Statement, p. 2443, 340
- 42.4.201 and other rules - Alternative and Wind Energy Credits, p. 2641, 357
- 42.20.106 and other rule - Manufactured and Mobile Homes, p. 1238
- 42.21.158 Property Reporting Requirements, p. 1235

SECRETARY OF STATE, Title 44

- 44.2.203 Priority Handling of Documents, p. 1569
- 44.3.2203 Absentee and Mail Ballot Voting, p. 1242, 1741