

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 3

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 The Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 print 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 Services, at (406) 444-2055.

Page Number

TABLE OF CONTENTS

PROPOSAL NOTICE SECTION

AGRICULTURE, Department of, Title 4

4-14-160 Notice of Public Hearing on Proposed Adoption and Repeal - Quarantines and Pest Management Standards. 118-128

ENVIRONMENTAL QUALITY, Department of, Title 17

17-283 (Board of Environmental Review and the Department) Notice of Proposed Amendment - Model Rules. No Public Hearing Contemplated. 129-131

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-464 Notice of Proposed Amendment - Adjustment of Subsidy Payment. No Public Hearing Contemplated. 132-134

REVENUE, Department of, Title 42

42-2-805 Notice of Proposed Amendment - Biodiesel and Biolubricant Tax Credit. No Public Hearing Contemplated. 135-136

42-2-806 Notice of Public Hearing on Proposed Amendment - Senior Interest Income Exclusions. 137-139

RULE ADOPTION SECTION

ADMINISTRATION, Department of, Title 2

2-55-38 (State Compensation Insurance Fund) Notice of Amendment
- Classifications of Employments - Construction Industry Premium
Credit Program. 140

COMMERCE, Department of, Title 8

8-99-71 Notice of Amendment - Award of Grants and Loans Under
the Big Sky Economic Development Program. 141

ENVIRONMENTAL QUALITY, Department of, Title 17

17-278 (Board of Environmental Review) (Air Quality) Notice of
Amendment - Particulate Matter - Permit Application Fees - General
Exclusions for Air Quality Permits - Requirements for Timely and
Complete Air Quality Operating Permit Applications. 142

JUSTICE, Department of, Title 23

23-16-207 Corrected Notice of Adoption and Amendment - Audit Data
Storage Devices - Definitions - Record Keeping Requirements. 143

LIVESTOCK, Department of, Title 32

32-9-195 Notice of Amendment - Fees Charged by the Department
on the Volume on All Classes of Milk. 144

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-462 Notice of Amendment - Medicaid Transportation
Reimbursement for Mileage. 145

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee. 146-147

How to Use ARM and MAR. 148

Accumulative Table. 149-158

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the adoption of ARM)	NOTICE OF PUBLIC HEARING ON
New Rules I through VIII and repeal of)	PROPOSED ADOPTION AND
4.12.1320, 4.12.1321, and 4.12.1432)	REPEAL
relating to quarantines and pest)	
management standards)	

TO: All Concerned Persons

1. On March 5, 2009, at 3:00 p.m. the Montana Department of Agriculture will hold a public hearing in Room 225 of the Scott Hart Building, 303 N. Roberts at Helena, Montana, to consider the proposed adoption and repeal of 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 February 26, 2009, to advise us of the nature of the accommodation that you need. Please contact Cort Jensen 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. Economic Impact Statement: These rules provide the basic framework for Department of Agriculture quarantines. These rules have no economic impact. As long term quarantines are implemented through future rulemaking processes, they will each have an economic impact statement.

Individual quarantine rules, themselves, will generate no automatic revenue. All civil penalties, while revenue, are deposited into the general fund. The department issued a civil penalty for violations of a federal quarantine in 2008 for \$3,000. Civil penalties for violations of a quarantine are not expected to be more than \$3,000 per fiscal year. The department would expect to receive recovered expenses for mileage, per diem, lodging, and other actual expenses. These expenses can not be estimated as they would be specific to the individual quarantine. Quarantines may affect a small area of the state such as a field or a county, the entire state, or areas outside the state. Traditional, nontraditional, and specialty crops could, possibly, be impacted by an individual quarantine rule. Economic impact of a quarantine can not be calculated without specific information on the pest of concern, the affected crops, the individuals or businesses involved, the size of the area quarantined, and the types of actions and measures needed to prevent introduction, eradicate, or slow the spread of a quarantine significant pest.

4. The proposed new rules provide as follows:

NEW RULE I DEFINITIONS (1) "Article" is any item subject to a quarantine.

(2) "Department" means the Department of Agriculture.

(3) "Accredited Certifying Official (ACO)" is a federal, state, or county official accredited to perform phytosanitary inspections and sign phytosanitary certificates for commodities meeting phytosanitary requirements.

(4) "Fomite" is any inanimate object or substance capable of carrying an organism, functions to transfer an organism, or in any other way acts as a nonliving vector of a pest.

(5) "Location" is any place where quarantine pests, quarantine articles, plants, plant propagative material, plant products, and other associated items or materials are. This includes, but is not limited to, businesses; fields; gardens; production areas; propagation areas; greenhouses; processing facilities; places where regulated articles or plants are kept, sold, traded, bartered, used, given away, or distributed; and all conveyances.

(6) "Long-term quarantine" is a quarantine that lasts over 12 months.

(7) "Permit" is a written authorization issued by the department, another state, or the federal government and is approved by the department for the movement of any prohibited or restricted plant pests or quarantined articles.

(8) "Phytosanitary documentation" is legal paperwork certifying that visual inspections have been completed by a state or federal official and that all other requirements such as, but not limited to, surveys, laboratory tests, and treatments, have been met.

(9) "Phytosanitary inspection" is an inspection conducted by an individual trained and certified to determine if prohibited materials or organisms are present or to take official samples to be examined by a qualified individual or an accredited laboratory elsewhere.

(10) "Phytosanitary measure" is an action taken to assure that prohibited materials and/or organisms are not present in or on plants or plant materials.

(11) "Plant matter" is any plant species that includes, but is not limited to, agricultural, forest, range, nursery, or ornamental species; soil; fruit, vegetables, seeds, or nuts; any other plant part or propagative material; or plant product. This includes house, greenhouse, hothouse, potted (regardless of planting medium), bareroot, aquarium, pond or other water related, and windbreak plants.

(12) "Plant pest" is any organism that can directly or indirectly injure or cause damage in or to a plant, plant propagative material, or a plant product including, but not limited to, an insect, weed, fungus, virus, bacteria, parasite, pathogen, nematode, vector or other organism that meets the criteria as a pest established by department rule.

(13) "Proper documents" is a copy of the original invoice listing the origin of the articles, quantity and value of articles, location where the articles are destined to arrive, anticipated date of arrival, and/or other requirements specified under a quarantine.

(14) "Quarantine" is a rule, order, or other legal instrument duly imposed or enacted by the department on regulated areas or articles.

(15) "Quarantined article" is anything covered by a quarantine order in [New Rule II, New Rule III], or an emergency declared by the director of the Department of Agriculture.

(16) "Regulated area" is an area into which, within which, and/or from which plants, plant products, and other regulated articles are subject to phytosanitary measures or a quarantine to prevent the introduction and/or spread of quarantine pests.

(17) "Regulated article" is any plant, plant matter, container, conveyance, or any other object or material capable of harboring or spreading plant pests, and that is subject to phytosanitary measures or a quarantine.

(18) "Short-term quarantine" is a quarantine that lasts 12 months or less.

(19) "Vector" is an organism that transmits a pathogen.

AUTH: 80-7-402, MCA

IMP: 80-7-402, MCA

REASON: New Rule I establishes definitions to support the rules.

NEW RULE II ESTABLISHING A QUARANTINE (1) The director of the Department of Agriculture or his/her designated representative may establish or modify a quarantine by signing an order. The order will specify what is to be quarantined, the quarantine requirements, and the length of the quarantine.

(2) A long-term quarantine shall be adopted into rule, but is effective upon signature of the director or his/her designated representative.

(3) A list of quarantines is available by contacting: Montana Department of Agriculture, Agricultural Sciences Division, 303 N. Roberts, P.O. Box 200201, Helena, MT 59620-0201; fax: (406) 444-7336; e-mail: agr@mt.gov, or through the department's web site: www.agr.mt.gov.

AUTH: 80-7-402, MCA

IMP: 80-7-402, MCA

REASON: New Rule II describes who may establish or modify a quarantine, requires that long term quarantines be adopted as an administrative rule, and tells the reader who to contact for a list of plant pest quarantines.

NEW RULE III NOTIFICATION OF IMPORTS (1) Anyone who transits or imports quarantined articles for use, sale, resale, or distribution shall provide notice and required proper documents to the department by mail, fax, e-mail, or other approved method.

(2) The department must be in receipt of all proper documents at least 48 business hours before bringing the items into the state. Business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding state holidays.

(3) Under no circumstance may the imported item(s) be unloaded within the state until the department receives the proper documents and authorizes entry of the regulated articles.

(4) The department may notify the shipper or the receiver that the imported or transiting items cannot be brought into the state, must be removed from the state, must be inspected, or must show that it has met any requirements the department deems necessary.

AUTH: 80-7-402, MCA
IMP: 80-7-402, MCA

REASON: New Rule III provides the opportunity for individuals, industries, and educational institutions to transit or import prohibited articles under quarantine in a manner that mitigates the pest risk to agricultural industries and the environment in the state.

NEW RULE IV PERMITS (1) The quarantine order or rule may specify the type and kind of permit required for import, export, transit, movement, handling, or other actions of regulated articles. Permits may require actions by the permittee or department such as, but not limited to, inspection, sampling, analysis or testing, cleaning, decontamination, treatment, covering/sealing, destruction or disposition, safeguarding, or other services or actions to mitigate the pest risk and protect the state and its resources.

(2) At the department's discretion, the department may recognize and grant reciprocal permit agreements with other units of government through a written memorandum of understanding. Such agreements will, at a minimum, specify the unit of government and duration of the agreement and provide for termination of the agreement at the discretion of the department.

(3) All permits are subject to department oversight and may be subject to audit or inspection to ensure conformance with all permit conditions.

(4) Any permit may be canceled by the department at any time.

(5) Permits may have an associated fee. Permit fees will be specified in each quarantine order.

(6) Permits may require bonding, the amount of which will be determined by the risk associated with such a permit.

(7) If no permit is specified, then the quarantined item in question cannot be imported, exported, transported, or moved into, through, out of, or within Montana, without specific written authorization by the department.

AUTH: 80-7-402, MCA
IMP: 80-7-402, MCA

REASON: New Rule IV provides for actions or services related to handling or movement of quarantined plant matter and regulated articles and describes the types of permits, allows for permit fees, reciprocity with other units of government and describes the conditions under which prohibited or restricted articles require inspection, what safeguards must be taken to prevent plant pest dissemination, disposition conditions of articles that are prohibited or restricted, and handling costs incident to the inspection, handling, cleaning, safeguarding, treatment, or other services required to mitigate the pest risk.

NEW RULE V INSPECTIONS (1) The department may inspect at any time, without notice, any business, location, conveyance, or records relating to such a business, location, or conveyance of:

- (a) Any individual, business, distributor, or shipper that sends them a notice of import and the receiver of such imports.
- (b) Any permit holder or anyone who has had a permit in the previous 24 months.
- (c) Any person involved in the import or export of any plant, plant matter, plant part, plant product, or other regulated article subject to a quarantine.
- (d) Any location that has, grows, propagates, processes, distributes, sells, trades, barter, uses, or gives away a plant, plant matter, plant part, or plant product subject to a quarantine.
- (2) Inspections are only for the purposes of investigating compliance with these rules and to ensure the department's quarantines are effective.
- (3) The department may conduct inspections on any person, place, or item if the department has reason to believe it contains material in violation of a quarantine.
- (4) The department may recover actual costs of inspections.

AUTH: 80-7-402, MCA
IMP: 80-7-402, MCA

REASON: New Rule V provides the authority to conduct inspections to ensure compliance with state and federal quarantines and mitigate actual or anticipated pest risk and threat to an agricultural or environmental interest.

- NEW RULE VI COMPLIANCE AGREEMENTS (1) The department may enter into a compliance agreement with any person.
- (2) Compliance agreements may be used to meet quarantine requirements that facilitate import, export, handling, and movement of quarantine articles or items.
 - (3) Anyone who enters into a compliance agreement with the department must be able to demonstrate that they can meet or exceed all state and applicable federal requirements and must:
 - (a) Have good standing with the department.
 - (b) Not have an outstanding or past due account for any department program, service, or area of authority.
 - (c) Have all required licenses and/or registrations for all department programs and services.
 - (d) Not have any record of violation pertaining to a quarantine.
 - (e) Not have a record of any violation within any statute, administrative rule, procedure, or policy for which the department has authority and jurisdiction that:
 - (i) has occurred within the last two years; or
 - (ii) is a repeat violation, occurring during the past five years.
 - (f) Not have a record of any violation with any statute, administrative rule, procedure, or policy, within any state, that parallels a responsibility under the proposed compliance agreement.
 - (g) Have had no permit, agreement, or other authority rescinded, suspended, revoked, or terminated for cause.
 - (h) Meets all education, training, certification, accreditation, or other requirement to perform proposed activities or services.

(4) The department may require a bonded compliance agreement for certain activities.

(5) The department may charge a fee for a compliance agreement. The fee will be specific to the type and scope of the compliance agreement actions or services.

(6) The department may recognize and grant reciprocal agreements with other units of government provided the above conditions are met both in Montana and the state in which the person resides.

(7) All compliance agreements are subject to department oversight and may be subject to audit or inspection to ensure conformance with all compliance agreement conditions.

(8) All compliance agreements may be canceled by the department at any time.

AUTH: 8-7-402, MCA

IMP: 8-7-402, MCA

REASON: New Rule VI allows the department to enter into a compliance agreement with any person to meet quarantine requirements. A compliance agreement may cover actions that might be required of a person multiple times and at predictable intervals such as a regularly needed permit or notification or may cover multiple requirements such as permits and notifications.

NEW RULE VII VIOLATIONS AND PENALTIES

(1) Violation Schedule	1st Offense	Subsequent Offense
(a) Knowingly bringing plants, plant matter, propagative plant parts, plant products, or any associated material into the state that is diseased, infected, or infested whether it is quarantined or not.	\$1,000	\$1,000
(b) Bringing a quarantined regulated article into the state without a required permit.	\$ 750	\$1,000
(c) Failure to obtain a permit.	\$ 500	\$1,000
(d) Failure to have a required permit or other required document with a quarantined item.	\$ 500	\$1,000
(e) Failure to provide required notification.	\$ 500	\$1,000
(f) Failure to follow any required safeguard.	\$ 500	\$1,000
(g) Failure to keep required records.	\$ 500	\$1,000
(h) Failure to release or allow access to records pertaining to a quarantine, order, permit, or compliance agreement.	\$ 500	\$1,000
(i) Falsifying any record or document related to a quarantine, order, permit, or compliance agreement, including, but not limited to all sales, handling, shipping, transporting, importing, and		

exporting and any invoice, bill of lading, permit, seal, or certificate.	\$1,000	\$1,000
(j) Interfering with or preventing an inspection or investigation.	\$1,000	\$1,000
(k) Failure to be in compliance with a quarantine requirement.	\$1,000	\$1,000
(l) Noncompliance with any state or federal quarantine, order, permit condition or requirement, or compliance agreement.	\$1,000	\$1,000
(m) Any other violation of the Quarantine Act or these rules.	\$1,000	\$1,000
(2) Violation of a quarantine permit, import permit, or compliance agreement may result in suspension of a permit or compliance agreement or denial of a future request for a permit or compliance agreement.		
(3) Anyone who violates these rules is acting negligently, if not intentionally, and is liable for all harm they cause and may be liable for all costs associated with, but not limited to, trapping, monitoring, surveying, analysis, testing, containment, eradication, control, management, disposition, destruction, restoration, and other measures deemed necessary by the department.		

AUTH: 80-7-402, MCA
IMP: 80-7-402, MCA

REASON: New Rule VII is mandated by 80-7-404(3), MCA, to establish by rule a penalty schedule and other matters necessary to enforce civil penalties.

NEW RULE VIII PLANT HEALTH QUARANTINES (1) All quarantines are listed by the name of the quarantine and references the quarantine order number. The order will specify the name of the quarantine and describe the plant pest(s), regulated articles, and regulations, e.g., notifications, inspections, sampling, certifications, required permit(s), safeguards, and any other requirements.

(2) Quarantine orders are available from the department by accessing the department's web site at www.agr.mt.gov or by requesting a copy of the order by writing, e-mailing, or faxing a request to the Department of Agriculture at P.O. Box 200201, Helena, MT 59620-0201; agr@mt.gov; or (406) 444-5409.

(a) The department may charge actual costs of printing, copying, and mailing copies of a quarantine rule or order.

(3) The following is the current list of long-term quarantines:

(a) European Pine Shoot Moth (EPSM) (*Rhyacionia bouliana*). See Order MTQ-2008-01.

(b) Late Blight Quarantine, (*Phytophthora infestans*), See Order MTQ-2008-02.

(c) Japanese Beetle, (*Popillia japonica*), See Order MTQ-2008-03.

AUTH: 80-7-402, MCA
IMP: 80-7-402, MCA

REASON: New Rule VIII lists the current quarantines and their associated quarantine orders, describes the elements to be found in a quarantine order, and tells the reader how to access the orders.

Economic Impact Statement for European Pine Shoot Moth (EPSM) (*Rhyacionia bouliana*), Order MTQ-2008-01: These rules will not generate any automatic revenue. The European Pine Shoot Moth Quarantine is an exterior quarantine, meaning that the restrictions apply only to other states known to have EPSM. Imports into the state of Montana will require a permit/certification of import materials from the export state's Department of Agriculture. The cost of such permit/certification is dependent upon the export state's fees and are the responsibility of the exporter.

Failure to create this quarantine may lead to losses not only in the nursery landscape industry but the timber industry as well. The nursery industry represents Montana's fifth largest source of agricultural income, which generated \$33,832,000 in 2002 (2002 Census of Agriculture State Profile, http://www.nass.usda.gov/Statistics_by_State/Ag_Overview_MT.pdf). Christmas tree sales, an area where this insect can have a major impact, contributed an additional \$632,000 (2002 Census of Agriculture State Profile) in agricultural income during that year. Impacts on the timber industry are more difficult to measure. Irregular branching of individual trees in small numbers can be tolerated. However, in an area with a large infestation of EPSM, irregular branching of a high percentage of the standing crop could easily lead to the timber in that area being unacceptable for timber harvest. This in turn could lead to an increased risk of other insect outbreaks, disease outbreaks, and fire.

Economic Impact Statement for Late Blight Quarantine (*Phytophthora infestans*) Order MTQ-2008-02: These rules will not generate any automatic revenue. The Late Blight Quarantine is an exterior quarantine, meaning that the restrictions only apply to other states known to have Late Blight. Imports into the state of Montana will require a permit/certification of import materials from the export state's Department of Agriculture. The costs of such permit/certification are dependant upon the export state's fees and are the responsibility of the exporter.

Failure to create this quarantine may lead to severe losses in the seed potato production areas of the state. Montana producers plant and harvest almost 10,000 acres of potatoes each year. The annual sales revenue from these acres was over \$38 million in 2007. Late Blight disease of potatoes is easily spread by both wind and water when weather conditions are favorable. Infected tubers can not be sold for seed and as a result would be sold into the fresh or processing market, decreasing the economic return. Selling potatoes intended for seed as fresh or process market potatoes could reduce the value of the crop by as much as 50 percent.

Economic Impact Statement for Japanese Beetle Quarantine, Order MTQ-2008-03: These rules will not generate any automatic revenue. Japanese beetle

has been detected in the Billings area consistently for the past six years. The number of beetles detected through trapping has increased, indicating the beetles are more than seasonal hitchhikers of commercial aircraft associated with the Billings airport. The state is considered a category one protected state. This status provides protective measures through restrictions on imports into the state from infested areas outside the state, as outlined by USDA. However, to maintain that status and thus the protection it offers, the state must demonstrate continued "apparent freedom from" based on annual trapping results and must eradicate detected Japanese beetle in order to maintain our protected state status. Concurrent with eradication efforts in the affected area, the state is enacting a long-term, interior Japanese beetle quarantine that will affect regulated areas of Yellowstone County. The quarantine restricts the sale, shipment, and movement/transport of plants, growing media, and mulch from the regulated area to prevent or minimize the spread of Japanese beetle to other areas of the state. As such, the rule may impact landowners or managers within the regulated area who may wish to move regulated articles out of the quarantined area. There are at least 660 parcels of land within the regulated area. It is not expected that all landowners/managers will wish to move a regulated article out of the regulated area. There is, however, no reasonable way to estimate just how many such actions might be desired by the landowners/managers. Movement of regulated articles will require documentation of "apparent freedom from." This may be accomplished through an approved trapping/monitoring program; an inspection of regulated articles by a Department of Agriculture authorized representative; or a state or federal phytosanitary certificate attesting to "apparent freedom from."

The cost of trapping and monitoring is based on the size of the area. Trapping requires one trap per 13 acres. Traps cost \$16 and lure cost \$2. Lure will last approximately 3 weeks. The cost of trapping a 13 acre area from May through September is \$30 (\$16 for the trap and \$14 for lure). Trapping/monitoring would need to result in negative finds of Japanese beetle in order to attest to "apparent freedom from." An inspection may serve to attest to "freedom from" provided such inspections result in negative observation of Japanese beetle larvae or adults. Inspection costs will vary depending on the amount of material to be inspected and time necessary for oversight of any required treatment. Actual costs of inspection typically include per diem, mileage, and an hourly charge.

Growing media, manure, compost, humus, and mulch and plants in a growing media will require treatment. This will predominately be done by chemical application. Cost to landowners or managers for chemical treatment of materials is largely dependent upon the volume to be treated, product used for treatment, and whether a commercial applicator is hired to treat or an authorized department representative needs to witness the treatment. Although alternative, nonchemical treatments are allowed, being able to meet conditions may make them unfeasible. Such requests will be considered on a case-by-case basis and the cost will depend on any number of variables associated with the proposal.

5. The department proposes to repeal the following rules:

4.12.1320 DEFINITIONS, JAPANESE BEETLE QUARANTINE

AUTH: 80-7-402, MCA

IMP: 80-7-402, MCA

REASON: Existing rule 4.12.1320 supports ARM 4.12.1321, which is in conflict with the federal quarantine for Japanese beetle. Repealing ARM 4.12.1321 makes ARM 4.12.1320 unnecessary.

4.12.1321 INTERSTATE AND INTRASTATE QUARANTINE PERTAINING TO JAPANESE BEETLE (*POPILLIA JAPONICA*)

AUTH: 80-7-402, MCA

IMP: 80-7-402, MCA

REASON: Existing rule ARM 4.12.1321 is in conflict with the federal quarantine for Japanese beetle.

4.12.1432 PREVENTING SPREAD OF LATE BLIGHT DISEASE OF POTATOES (*SOLANUM TUBEROSUM L.*)

AUTH: 80-7-121, MCA

IMP: 80-7-121, MCA

REASON: Existing rule ARM 4.12.1432 is invalid since the authorizing statute was repealed.

6. Concerned persons may submit their data, views, or arguments concerning the proposed actions either orally or in writing at the hearing. Written data, views, or arguments may be submitted to: Cort Jensen 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 March 12, 2009.

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, e-mail, and mailing address of the person and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. 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 Public Hearing on Proposed Adoption and Repeal 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. The primary bill sponsor was notified on December 30, 2008 by regular mail. For previous rule projects involving the same bill, the primary sponsor was given appropriate notice.

DEPARTMENT OF AGRICULTURE

/s/ Ron de Yong
Ron de Yong, Director

/s/ Cort Jensen
Cort Jensen, Rule Reviewer

Certified to the Secretary of State, February 2, 2009.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF PROPOSED
17.4.101 pertaining to model rules)	AMENDMENT
)	
)	(MODEL RULES)
)	
)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On March 16, 2009, the Board of Environmental Review and the Department of Environmental Quality propose to amend the above-stated rule.

2. The board and department 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 Elois Johnson, Paralegal, no later than 5:00 p.m., March 4, 2009, to advise us of the nature of the accommodation you need. Please contact Elois Johnson at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail ejohnson@mt.gov.

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

17.4.101 MODEL RULES (1) The Department of Environmental Quality and the Board of Environmental Review herein adopt and incorporate the Attorney General's Model Organizational and Procedural Rules, ARM ~~4.3.101, 4.3.102, and 1.3.201, 1.3.202, 1.3.211 through 1.3.224, and 1.3.226 through 1.3.233, effective August 15, 2008,~~ and the Secretary of State's Organizational and Procedural Rules, ARM 1.3.101, 1.3.102, 1.3.301, 1.3.302, 1.3.304, 1.3.305, 1.3.307 through 1.3.309, 1.3.311 through 1.3.313, and 44.17.101, as amended effective ~~June 4, 1999~~ August 1, 2008, including the ~~appendix of~~ sample forms which follows the Attorney General's model rules, except as modified by (2) and (3) ~~below,~~ as authorized by 2-4-302, MCA.

(2) The incorporation of ARM ~~4.3.206~~ 1.3.309 is modified by the addition of the rules in subchapter 2 of this chapter which incorporate requirements of statutes administered by the department and board.

(3) The incorporation of ARM ~~4.3.208~~ 1.3.312 is modified by adding the words "or summary" and deleting the words "in full" in (2)(a)(i) so that it will read as follows: "(i) ~~either~~ the text of the rule adopted or amended, or reference to the notice of proposed agency action in which the text or summary of the proposed rule or rule as proposed to be amended was printed, ~~or reference to the page number of the Administrative Rules of Montana on which the repealed rule appears.~~"

(4) ARM 1.3.101 and 1.3.102 are procedural rules required by ~~MCA chapter implementing~~ Article II, Section 8 of the 1972 Constitution, right of participation. ARM 1.3.201, 1.3.202, 1.3.211 through 1.3.224, and 1.3.226 through 1.3.233 are organizational and procedural rules required by the Montana Administrative Procedure Act. Copies of the model rules may be obtained from the Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901.

AUTH: 2-4-201, 2-4-202, MCA
IMP: 2-4-201, MCA

REASON: Effective October 1, 2007, House Bill 70 transferred to the Secretary of State some model rules previously assigned to the Attorney General. The rules transferred to the Secretary of State describe the organization of agencies and model rules of practice for agencies to use as a guide for the rulemaking process and in fulfilling the provisions of 2-4-201, MCA, which require agencies to adopt rules describing their organization and rules of practice. On July 31, 2008, and August 14, 2008, the Secretary of State and Attorney General, respectively, finalized rulemakings implementing House Bill 70. In making these rule changes, the Attorney General and Secretary of State revised their rules, adopted certain new rules, and repealed a rule, to conform the rules to the transfer of rules to the Secretary of State, define new terms, provide for use of online template forms, update the rules to conform to recent legislation and current rule drafting style, clarify the rules, reorganize the rules, and add certain statutory requirements to minimize the need for readers to rely on multiple sources in order to understand the administrative procedures. This rule is being amended to reflect that the Board of Environmental Review and the Department of Environmental Quality adopt those rules as amended, amended and transferred, and adopted, with the modification shown in (3).

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Elois Johnson at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail ejohnson@mt.gov, no later than March 12, 2009. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

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 Elois Johnson at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail ejohnson@mt.gov, no later than March 12, 2009.

6. If the board or department receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the 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. Because the number of persons who are directly affected by the proposed action cannot be determined, for purposes of this rulemaking the board and department will schedule a hearing if requested by 25 or more of the persons who are directly affected by the proposed action.

7. The board and department maintain a list of interested persons who wish to receive notices of rulemaking actions proposed by these entities. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supply; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Elois Johnson at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail ejohnson@mt.gov, or may be made by completing a request form at any rules hearing held by the board or department.

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

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ John F. North
JOHN F. NORTH
Rule Reviewer

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

DEPARTMENT OF ENVIRONMENTAL
QUALITY

BY: /s/ Richard H. Opper
RICHARD H. OPPER, Director

Certified to the Secretary of State February 2, 2009.

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

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 37.52.210 pertaining to) AMENDMENT
adjustment of subsidy payment)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On March 14, 2009, the Department of Public Health and Human Services proposes to amend the above-stated rule.

2. The Department of Public Health and Human Services 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 Department of Public Health and Human Services no later than 5:00 p.m. on March 6, 2009, to advise us of the nature of the accommodation that you need. Please contact Rhonda Lesofski, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena MT 59604-4210; telephone (406) 444-4094; fax (406) 444-1970; or e-mail dphhslegal@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

37.52.210 REVIEW OF SUBSIDY PAYMENT (1) A subsidized adoption agreement will be signed indicating the amount and duration of the subsidy. ~~Annual applications for subsidy and medical assistance will be sent to the adoptive parents by the department.~~ The subsidy established by this agreement may be modified upon request by the adoptive parents based upon changes in the needs of the child or upon a change in circumstances which affects the adoptive family. A change in the maximum allowable subsidy established by law is also an acceptable reason to seek a subsidy adjustment.

AUTH: ~~53-4-304~~ 42-10-104, MCA

IMP: ~~53-4-309, 53-4-311~~ 42-10-107, 42-10-108, 42-10-109, MCA

4. The Department of Public Health and Human Services (the department) is proposing an amendment to amend ARM 37.52.210. This rule now requires the department to send annual applications for subsidy and medical assistance to adoptive parents. The only reason for sending these annual applications is to provide a method by which adoptive parents may seek adjustment of their subsidies. Neither federal IV-E adoption assistance child welfare policy nor current Montana law requires annual renewals of adoption assistance agreements.

The department believes the present content of this rule may incorrectly lead adoptive parents to believe they may seek adjustment of subsidy amounts only on a yearly basis following receipt and completion of these annual applications. In fact, adoptive parents can seek adjustment of the subsidies at any time, based purely upon changes in the needs of the adoptive child or upon a change in circumstances which affects the adoptive family. A change in the maximum allowable subsidy payment is also an acceptable reason to seek a subsidy adjustment, but it does not have to be part of an annual application process.

The terms of subsidized adoptions are recorded by using a department form which is titled "Subsidized Adoption Agreement and Application/Change Notice for Medicaid" (Agreement). Provision I-C of the Agreement notifies adoptive parents that the amount of the monthly cash subsidy is based upon the needs of the child. It also informs adoptive parents that adjustments in cash assistance payments may be made with the concurrence of adoptive parent(s) and the department's program manager whenever the above-described changes may occur.

The rule that is proposed for amendment contradicts the language in the Agreement, and therefore may improperly influence adoptive parents to not seek subsidy adjustments as they are needed to assist them in caring for adoptive children. The department wishes to eliminate this inconsistency and make it clear to adoptive parents that their ability to request subsidy adjustments is not restricted to annual reviews of their existing agreements.

If this amendment is adopted as proposed, the department will discontinue sending annual applications for subsidy and medical assistance to adoptive parents.

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Rhonda Lesofski, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on March 13, 2009. Comments may also be faxed to (406) 444-1970 or e-mailed to dphslegal@mt.gov.

6. 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 to Rhonda Lesofski at the above address no later than 5:00 p.m., March 13, 2009.

7. If the agency receives requests for a public hearing on the proposed action 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 directly affected has been determined to be 250

persons based on the estimated number of currently open adoption subsidy agreements with the state of Montana.

8. The department 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 that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

9. An electronic copy of this Proposal Notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Secretary of State works 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.

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

/s/ Bernie Jacobs
Rule Reviewer

/s/ Anna Whiting Sorrell
Anna Whiting Sorrell, Director
Public Health and Human Services

Certified to the Secretary of State February 2, 2009.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 42.4.2501 relating to Biodiesel) AMENDMENT
and Biolubricant Tax Credit) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On March 27, 2009, the department proposes to amend the above-stated rule.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and 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. on March 2, 2009, 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) 444-5825; fax (406) 444-3696; e-mail canderson@mt.gov.

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

42.4.2501 DEFINITIONS The following definitions apply to terms used in this subchapter:

(1) remains the same.

AUTH: 15-30-305, 15-31-501, MCA

IMP: ~~15-31-701~~, 15-32-701, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM 42.4.2501 to correct a typographic error in the implementing cite.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: 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 and must be received no later than March 13, 2009.

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 Cleo Anderson at the above address no later than March 13, 2009.

6. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be approximately one based on approximately ten taxpayers who have taken this credit.

7. An electronic copy of this Proposal 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 Proposal 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.

8. 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 e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the person in 4 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.

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

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

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

Certified to Secretary of State February 2, 2009

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF PUBLIC
42.15.215 relating to senior interest income) HEARING ON PROPOSED
exclusions) AMENDMENT

TO: All Concerned Persons

1. On March 5, 2009, at 1:00 p.m., a public hearing will be held in the 4-East Conference Room of the Sam W. Mitchell Building, at Helena, Montana, to consider the amendment of the above-stated rule.

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., March 2, 2009, 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 rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

42.15.215 SENIOR INTEREST INCOME EXCLUSION (1) If a taxpayer or a taxpayer's spouse is age 65 or over, certain interest income is exempt as provided in this rule.

(2) If a taxpayer is single, the taxpayer may exclude up to \$800 of interest income included in the taxpayer's ~~federal~~ Montana adjusted gross income.

(3) If married taxpayers file a joint return, they may exclude up to \$1600 of interest income included in their joint or in their separate ~~federal~~ Montana adjusted gross income even if only one spouse is age 65 or over.

(4) If a married taxpayer who is age 65 or older files separately, the taxpayer may exclude up to \$800 of interest income earned by them and included in their ~~federal~~ Montana adjusted gross income. The taxpayer may not exclude interest income earned by the taxpayer's spouse.

(5) The exclusion cannot exceed the amount reported as taxable interest income.

AUTH: 15-30-305, MCA
IMP: 15-30-111, MCA

REASONABLE NECESSITY: The department is proposing to amend ARM

42.15.215 to correctly provide that it is interest included in a taxpayer's Montana adjusted gross income that is subject to exclusion under 15-30-111, MCA, and this rule. ARM 42.15.215 was originally adopted as ARM 42.15.113 and was subsequently amended and transferred to subchapter 2 in 2004. Before the amendment, the section did not specify what interest income was excluded – how this exclusion related to a separate exclusion for tax-exempt interest. The 2004 amended rule, by stating that the excluded interest had to be included in a taxpayer's federal adjusted gross income, was intended only to prevent double exclusion of tax-exempt interest. The language as written, however, incorrectly prevents seniors from excluding interest from other states' obligations that are not included in federal adjusted gross income.

Because the language now being corrected by this proposed amendment was adopted incorrectly, the department proposes to apply the proposed amendment retroactively to the adoption date of the 2004 transfer and amendment, which was December 17, 2004.

If adopted as proposed, the department will advise taxpayers of the retroactive application of the amendment to the rule by posting information on the department's web site, providing specific communications to tax practitioners, and through other appropriate reasonable measures to ensure taxpayers understand that they may file an amended tax return for tax years 2005 through 2007 to address this error.

4. 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; telephone (406) 444-5828; fax (406) 444-3696; or e-mail canderson@mt.gov and must be received no later than March 13, 2009.

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

6. 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.

7. 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 e-mail or mailing address of the person to receive notices

and specifies that the person wishes to receive notices regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the person in 4 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.

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

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

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

Certified to Secretary of State February 2, 2009

BEFORE THE STATE COMPENSATION INSURANCE FUND
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 2.55.320 pertaining to)
classifications of employments and)
ARM 2.55.327A pertaining to the)
construction industry premium credit)
program)

TO: All Concerned Persons

1. On November 26, 2008, the Montana State Fund published MAR Notice No. 2-55-38 pertaining to the proposed amendment of the above-stated rules at page 2399 of the 2008 Montana Administrative Register, Issue Number 22.

2. The Montana State Fund has amended the above-stated rules as proposed.

3. No comments or testimony were received.

/s/ Nancy Butler
Nancy Butler, General Counsel
Rule Reviewer

/s/ Joe Dwyer
Joe Dwyer
Chairman of the Board

/s/ Michael P. Manion
Michael P. Manion, Chief Legal Counsel
and Rule Reviewer

Certified to the Secretary of State February 2, 2009

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 8.99.901, 8.99.903, 8.99.904,)
8.99.905, 8.99.907, 8.99.908,)
8.99.910, 8.99.911, 8.99.912, and)
8.99.914 pertaining to the award of)
grants and loans under the Big Sky)
Economic Development Program)

TO: All Concerned Persons

1. On November 26, 2008, the Department of Commerce published MAR Notice No. 8-99-71 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 2411 of the 2008 Montana Administrative Register, Issue Number 22.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.

/s/ KELLY A. CASILLAS
KELLY A. CASILLAS
Rule Reviewer

/s/ ANTHONY J. PREITE
ANTHONY J. PREITE
Director
Department of Commerce

Certified to the Secretary of State February 2, 2009.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF AMENDMENT
17.8.308, 17.8.504, 17.8.744, and)	
17.8.1205 pertaining to particulate)	(AIR QUALITY)
matter, permit application fees, general)	
exclusions for air quality permits, and)	
requirements for timely and complete air)	
quality operating permit applications)	

TO: All Concerned Persons

1. On October 23, 2008, the Board of Environmental Review published MAR Notice No. 17-278 regarding a notice of public hearing on the proposed amendment of the above-stated rules at page 2224, 2008 Montana Administrative Register, issue number 20.

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, February 2, 2009.

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the adoption of NEW)
RULE I concerning audit data storage) CORRECTED NOTICE OF
devices and the amendment of ARM) ADOPTION AND AMENDMENT
23.16.1802 concerning definitions and)
ARM 23.16.1827 concerning record)
keeping requirements)

TO: All Concerned Persons

1. On December 11, 2008, the Department of Justice published MAR Notice No. 23-16-207, regarding the public hearing on the proposed adoption and amendment of the above-stated rules at page 2540, 2008 Montana Administrative Register, Issue Number 23. On January 29, 2009, the department published the notice of adoption and amendment at page 84 of the 2009 Montana Administrative Register, Issue Number 2.

2. The department is correcting a grammatical error in New Rule I and clarifying Richard Ask's title in the comments and editing Mr. Kamerzel's comment for better clarification. The rule, as amended in corrected form, reads as follows, deleted matter interlined, new matter underlined.

NEW RULE I (23.16.1902) AUDIT DATA STORAGE DEVICES (1) The department may approve a VGM (video gambling machine) utilizing an ASD (audit storage device) for use in place of duplicate printed audit tapes. Each VGM providing ASD support must be reported on a tier I ~~and~~ or tier II system and operate in the following manner:

(a) through (n) remain as adopted.

3. A public hearing was held on January 7, 2009. No adverse comments were offered at the public hearing. However, Richard Ask, the division's Acting Administrator, noted a potential conflicting variation in record keeping periods for VGMs using the ASD format.

Ben Kamerzel, Supervisor of the Technical Services Section, suggested including the label "RSA" to properly identify the type of encryption keys required under the rule.

By: /s/ Steve Bullock
STEVE BULLOCK
Attorney General
Department of Justice

/s/ J. Stuart Segrest
J. STUART SEGREST
Rule Reviewer

Certified to the Secretary of State February 2, 2009.

BEFORE THE DEPARTMENT OF LIVESTOCK
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 32.23.301, pertaining to fees)
charged by the department on the)
volume on all classes of milk)

TO: All Concerned Persons

1. On December 24, 2008, the Department of Livestock published MAR Notice No. 32-9-195 regarding the proposed amendment of the above-stated rule at page 2596 of the 2008 Montana Administrative Register, issue number 24.
2. The Department of Livestock has amended ARM 32.23.301 exactly as proposed.
3. No comments or testimony were received.

DEPARTMENT OF LIVESTOCK

/s/ Christian Mackay
Christian Mackay
Executive Officer
Department of Livestock

/s/ Carol Grell Morris
Carol Grell Morris
Rule Reviewer

Certified to the Secretary of State February 2, 2009.

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.86.2405, 37.86.2505, and)
37.86.2605 pertaining to Medicaid)
transportation reimbursement for)
mileage)

TO: All Concerned Persons

1. On December 24, 2008, the Department of Public Health and Human Services published MAR Notice No. 37-462 pertaining to the proposed amendment of the above-stated rules, at page 2599 of the 2008 Montana Administrative Register, issue number 24.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.

/s/ John Koch
Rule Reviewer

/s/ Anna Whiting Sorrell
Anna Whiting Sorrell, Director
Public Health and Human Services

Certified to the Secretary of State February 2, 2009.

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 P.O. 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 September 30, 2008. This table includes those rules adopted during the period September 1, 2008, through December 31, 2008, 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 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 September 30, 2008, 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 2008 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.

GENERAL PROVISIONS, Title 1

- 1.2.419 Scheduled Dates for the 2009 Montana Administrative Register, p. 2162, 2503
- 1.3.101 and other rules - Secretary of State's Model Rules, p. 1003, 1593
- 1.3.201 and other rule - Definitions - MAPA, p. 2418, 7
- 1.3.211 and other rules - Attorney General's Model Rules, p. 988, 1700

ADMINISTRATION, Department of, Title 2

- I Waiver of In-State Office Requirement, p. 2320, 2621
- I-IV Mortgage Lender Surety Bond - Branch Office Licensing - Supervision of Branch Offices and Loan Officers - Responsibility for Acts of Agents, p. 862, 1579
- 2.5.502 and other rule - Contract Security, p. 2310, 2616
- 2.59.401 Credit Union Supervisory and Examination Fees, p. 2323, 2620
- 2.59.1401 and other rules - Regulation of Title Lenders - Title Loan Designation - Notification to the Department - Rescinded Loans - Failure to Correct Deficiencies - Department's Cost of Administrative Action - Examination Fees - Required Record Keeping - Sale of Repossessed Property - Unfair Practice, p. 846, 1571
- 2.59.1701 and other rules - Licensing and Regulation of Mortgage Brokers and Loan Originators - Continuing Education - Prelicensing Examination - Designated Managers - Examinations - Failure to Correct Deficiencies

- Grounds for the Denial of an Application - Costs in Bringing the Administrative Action - Scheme to Defraud or Mislead, p. 666, 2034

(Public Employees' Retirement Board)

- 2.43.203 and other rules - Operation of the Retirement Systems and Plans Administered by the Montana Public Employees' Retirement Board, p. 1852, 2467, 78
- 2.43.427 Reinstatement Credit for Lost Time, p. 1946, 2474
- 2.43.1001 Adoption by Reference of the State of Montana Public Employee Defined Contribution Plan Document, January 1, 2008, Edition, p. 2396, 82
- 2.43.1801 Adoption by Reference of the State of Montana Public Employee Deferred Compensation Plan Document, January 1, 2008, Edition, p. 2393, 81

(Teachers' Retirement Board)

- 2.44.301A and other rules - Administration of the Teachers' Retirement System of the State of Montana, p. 2313, 2619, 3

(State Compensation Insurance Fund)

- 2.55.320 and other rule - Classifications of Employments - Construction Industry Premium Credit Program, p. 2399

AGRICULTURE, Department of, Title 4

- 4.6.302 Cherry Assessment, p. 1074, 1582
- 4.9.401 Raising the Wheat and Barley Assessment, p. 2574
- 4.10.401 Farm Applicator Licensing Schedule, p. 2198, 2557
- 4.10.1806 Waste Pesticide Disposal and Recyclable Plastic Container Fees, p. 1364, 1800
- 4.14.303 and other rules - Montana Agricultural Loan Authority, p. 1950, 2265
- 4.17.102 Organic Program, p. 1518, 2045

STATE AUDITOR, Title 6

- 6.2.124 and other rules - Judicial Review - Securities Regulation - Senior Specific Certifications and Designations - Filing Requirements for Transactional Exemptions, p. 1635, 2046
- 6.6.2101 and other rules - Discrimination, p. 2403, 83
- 6.6.3504 and other rules - Annual Audited Reports - Establishing Accounting Practices and Procedures to be Used in Annual Statements - Actuarial Opinion - Annual Audit - Required Opinions - Statement of Actuarial Opinion Not Including an Asset Adequacy Analysis - Additional Considerations for Analysis, p. 2201, 2622
- 6.6.4201 Continuing Education Program for Insurance Producers, Adjusters, and Consultants, p. 868, 1455

- 6.6.8301 (Classification Review Committee) Updating References to the NCCI Basic Manual for New Classifications for Various Industries, p. 1173
- 6.6.8301 Updating References to the NCCI Basic Manual for New Classifications for Various Industries, p. 513, 1135
- 6.10.126 and other rule - Unethical Practices by Broker-Dealers and Salesmen Defined - Filing Requirements for Transactional Exemption, p. 1367, 1583

COMMERCE, Department of, Title 8

- I Administration of the 2009-2010 Federal Community Development Block Grant (CDBG) Program, p. 2408
- I Administration of Treasure State Endowment (TSEP) Grants Awarded by the 2007 Legislature, p. 872, 1308
- 8.2.101 Incorporation of Model Rules by Reference, p. 1652, 2266
- 8.99.901 and other rules - Award of Grants and Loans Under the Big Sky Economic Development Program, p. 2411

(Montana Coal Board)

- 8.101.201 and other rules - Policies of the Montana Coal Board - Applications for Montana Coal Board Grant Assistance, p. 2220

(Hard-Rock Mining Impact Board)

- 8.104.101 and other rules - Organizational and Procedural Rules of the Hard-Rock Mining Impact Board, p. 81, 945, 1309

(Board of Housing)

- 8.111.305 and other rule - Homeownership Program, p. 267, 1137

EDUCATION, Department of, Title 10

(Superintendent of Public Instruction)

- 10.7.101 and other rules - School Finance, p. 1176, 1692

(Board of Public Education)

- 10.54.6510 and other rules - Information Literacy/Library Media Content Standards and Performance Descriptors, p. 1223, 1693
- 10.54.7510 and other rules - Technology Content Standards and Performance Descriptors, p. 1198, 1696
- 10.55.907 Distance Learning, p. 1525, 2048
- 10.57.102 and other rules - Educator Licensure, p. 30
- 10.57.102 and other rules - Class 8 Licensure, p. 1521, 2050

FISH, WILDLIFE AND PARKS, Department of, Title 12

(Department and Fish Wildlife and Parks Commission)

- 12.2.501 and other rules - Gray Wolf Management in Montana, p. 1252, 2165

(Fish, Wildlife and Parks Commission)

- I Notice of Adoption of a Temporary Emergency Rule - Closing the Canyon Ferry Reservoir, Broadwater County, From the Silos to the Southern Shore, p. 1801, 1977
- I Notice of Adoption of a Temporary Emergency Rule - Closing the Big Hole River, Silver Bow County, From Silver Bridge to Divide Bridge, p. 1698, 1976
- I Notice of Adoption of a Temporary Emergency Rule - Closing the Yellowstone River From Carters Bridge to Highway 89 North Bridge, p. 1456, 1584, 1975
- I-III Delegating Commission Authority to the Department to Close Public Waters in the Event of a Fire Emergency, p. 520, 1317
- I-VI Angling Restrictions and Fishing Closures, p. 516, 1310
- 12.6.2208 and other rules - Exotic Species, p. 1527, 2179
- 12.11.2204 No Wake Zone on Echo Lake, p. 53

ENVIRONMENTAL QUALITY, Department of, Title 17

- 17.56.101 and other rule - Underground Storage Tanks - Leak Detection of Underground Storage Tanks, p. 2088, 2475
- 17.56.502 Underground Storage Tanks - Reporting of Suspected Releases, p. 2232, 2416, 4

(Board of Environmental Review)

- 17.8.102 Air Quality - Incorporation by Reference, p. 1
- 17.8.102 and other rules - Air Quality - Incorporation by Reference of Current Federal Regulations and Other Materials Into Air Quality Rules, p. 1371, 1743, 2267
- 17.8.308 and other rules - Air Quality - Particulate Matter - Permit Application Fees - General Exclusions for Air Quality Permits - Requirements for Timely and Complete Air Quality Operating Permit Applications, p. 2224
- 17.8.505 and other rule - Air Quality - Air Quality Operation Fees and Open Burning Fees, p. 1378, 1745, 2270
- 17.30.617 and other rule - Water Quality - Outstanding Resource Water Designation for the Gallatin River, p. 2294, 328, 1398, 438, 1953
- 17.38.101 and other rules - Public Water Supply - Incorporation by Reference of Current Federal Regulations and Other Materials in the Public Water Supply Rules - Consecutive System Coverage, p. 1731, 2625
- 17.40.318 and other rule - and the Department - Water Treatment Systems and Operators - Public Water and Sewage System Requirements - State Revolving Fund and Public Water and Sewer Projects Eligible for Categorical Exclusion From MEPA Review, p. 55

TRANSPORTATION, Department of, Title 18

- 18.6.202 and other rules - Transportation Commission - Outdoor Advertising Control, p. 1747, 2476
- 18.6.202 and other rule - Transportation Commission - Electronic Billboards, p. 523, 1458

CORRECTIONS, Department of, Title 20

- I-V Notice of Public Hearing on Proposed Adoption - Confidentiality of Youth Records, p. 1382, 2053
- 20.7.801 Eastmont Chemical Dependency Treatment Program, p. 605, 1142
- 20.7.1101 and other rule - Conditions on Probation or Parole, p. 1984, 273, 1145

JUSTICE, Department of, Title 23

- 1.3.201 and other rule - Definitions - MAPA, p. 2418, 7
- 1.3.211 and other rules - Model Rules, p. 988, 1700
- 23.6.106 Tow Truck Complaint Resolution, p. 1531, 2054
- 23.7.101A and other rules - Transfer of Title 23, chapter 7 - Fire Prevention and Investigation, p. 1467
- 23.10.101 and other rules - Transfer of Title 23, chapter 10 - Controlled Substances and the Regulation of Ephedrine and Pseudoephedrine, p. 1468
- 23.12.102 and other rules - Transfer of ARM 23.12.102 Through 23.12.204 - Criminal History and Criminal Justice Information, p. 1469, 1803
- 23.15.102 Definitions, p. 1092, 1589
- 23.17.101 and other rules - Transfer of ARM 23.17.101 Through 23.17.316 - Law Enforcement Academy Bureau, p. 1470

(Public Safety Officer Standards and Training Council)

- I-XXV Establishment of Peace Officers Standards and Training (POST) Council, p. 1076, 1587

(Board of Crime Control)

- 23.14.401 and other rules - Transfer of POST Duties to a New Division - Decision-making Authority - Payments of Claims - Establishing Appeal Procedures From POST Decisions - Changes in Statute, p. 748, 1588

(Gambling Control Division)

- 23.16.1802 and other rules - Audit Data Storage Devices - Definitions - Record Keeping Requirements, p. 2540, 84
- 23.16.1805 Refund of Permit Fee, p. 762, 1150
- 23.16.1827 Record Keeping Requirements, p. 1386, 1804

LABOR AND INDUSTRY, Department of, Title 24

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

- I Licensee Lookup Database, p. 61
- 24.17.127 Prevailing Wage Rates for Public Works Projects Using Building Construction Services, Heavy Construction Services, and Highway Construction Services, p. 765, 1471
- 24.29.1402 and other rules - Workers' Compensation Medical Fee Schedule for Facilities, p. 1779, 2490
- 24.29.1533 and other rule - Workers' Compensation Medical Fee Schedule for Nonfacilities, p. 2326, 8
- 24.30.102 Occupational Safety Matters in Public Sector Employment, p. 1388, 1805

(Human Rights Commission)

- 24.8.101 and other rules - Allegations of Unlawful Discrimination, p. 2091, 2636

(Alternative Health Care Board)

- 24.111.2102 and other rule - Continuing Education, p. 2577

(Board of Architects and Landscape Architects)

- 24.114.101 and other rules - Board Organization - Procedural Rules - Definitions - Fees - Architect Seal - Architect Business Entity Practice - Emergency Use - Licensure By Examination - Unprofessional Conduct - Screening Panel - Architect Partnerships - Landscape Architect Licensure, p. 2545
- 24.114.401 and other rule - Fee Schedule - Examination, p. 11, 1481

(Board of Athletic Trainers)

- 24.101.413 and other rule - Renewal Dates and Requirements - Fees, p. 1094, 1705

(Board of Chiropractors)

- 24.126.406 and other rules - Record of Minutes and Hearings - Applications - Exam Requirements - Temporary Permit - Endorsement - Inactive Status and Conversion to Active Status - Interns and Preceptors - Impairment Evaluators - Renewals and Continuing Education - Unprofessional Conduct - Continuing Education, p. 1097, 1978

(Board of Clinical Laboratory Science Practitioners)

- 24.129.401 and other rules - Fees - Supervision - Standards for Licensure - Unprofessional Conduct - Inspections - Notification, p. 1584, 629, 1482

(Board of Dentistry)

24.138.502 and other rules - Licensure, p. 527, 1483

(State Electrical Board)

24.141.301 and other rules - Definitions - Fees - Applications - Temporary Practice Permits - Examinations - Continuing Education - Master Electrician Qualifications, p. 64

(Board of Medical Examiners)

I Medical Direction, p. 2238

24.156.2719 Expired License, p. 2235

(Board of Nursing)

24.159.301 and other rules - Definitions - Foreign Educated Applicants for RN Licensure Requirements - APRNs, p. 875, 2346, 2641

24.159.301 and other rules - Definitions - Standards Related to the Practical Nurse - Prohibited IV Therapies, p. 279, 532, 1709, 2180

(Board of Occupational Therapy Practice)

24.165.404 and other rule - Licensure - Approved Instruction, p. 997, 1716

(Board of Optometry)

24.168.401 and other rules - Fees - Licensure - General Practice Requirements - Unprofessional Conduct, p. 1111, 2181

(Board of Outfitters)

24.171.401 and other rules - Fees - Emergency Guide License - Unprofessional Conduct, p. 1116, 2055

(Board of Pharmacy)

24.174.301 and other rules - Definitions - Fee Schedule - Ambulatory Surgical Facilities - Continuing Education, p. 447, 1151

(Board of Plumbers)

24.180.301 and other rules - Definitions - Fees - Applications - Examinations - Journeyman Qualifications - Master Qualifications - Reciprocity - Temporary Practice Permits - Medical Gas Piping Endorsement - Reissuance of Retirement Status License, p. 1391, 2271

(Board of Professional Engineers and Professional Land Surveyors)

I-VI Activities That Are, and Those Activities That Are Not, Included in the Practice of Land Surveying, p. 2421

(Board of Public Accountants)

24.201.301 and other rules - Accounting, p. 1654, 9

(Board of Radiologic Technologists)

24.204.501 and other rules - Limited Permit - Practice Limitations - Course Requirements - Permit Exams - Continuing Education, p. 2241

(Board of Real Estate Appraisers)

24.207.401 and other rules - Fees - Adoption of USPAP - Regulatory Reviews - Examination - Application Requirements - Education Requirements - Experience - Scope of Practice - Trainee Requirements - Mentor Requirements - Renewals - Continuing Education, p. 1402, 2272

(Board of Realty Regulation)

24.210.301 and other rules - Definitions - Licensure - Unprofessional Conduct - Supervising Broker Endorsement - Citations and Fines, p. 1679, 2558
24.210.641 Unprofessional Conduct, p. 2580

(Board of Sanitarians)

24.216.402 and other rule - Fees - Sanitarian in Training, p. 75

(Board of Social Work Examiners and Professional Counselors)

24.219.301 and other rules - Definitions - Fees - Application - Licensure - Status Conversion - Application - Continuing Education - Unprofessional Conduct - Social Work Examiners and Professional Counselors, p. 2583

LIVESTOCK, Department of, Title 32

32.6.712 Food Safety and Inspection Service (Meat, Poultry), p. 1120, 1590
32.23.301 Fees Charged by the Department on the Volume on All Classes of Milk, p. 2596

(Board of Horse Racing)

I-XIII Parimutuel Wagering on Fantasy Sports Leagues, p. 1261, 1806
32.28.1402 Horse Racing, p. 1123, 1591

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36.10.129 and other rules - Wildland-Urban Interface - Guidelines for Development Within the Wildland-Urban Interface, p. 1794
36.10.132 and other rules - Firewarden Qualifications, Duties, and Legal Representation for State Firefighters, p. 2246, 2559
36.12.102 and other rules - Forms - Form and Special Fees - Water Use Standards - Public Notice Costs, p. 1413, 1820
36.12.1704 and other rule - Permit Application - Existing Legal Demands - Permit Application Criteria - Adverse Effect, p. 1278, 1534, 1979

(Board of Land Commissioners)

- I-XVIII (Board and Department) Selection, Implementation, and Reporting of Real Estate Projects on State Trust Lands, p. 1955, 2645
- 36.25.301 and other rules - Coal Leasing Rules, p. 900, 1319, 1484
- 36.25.801 and other rules - Land Banking Program, p. 289, 1153

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- I-VI Medical Marijuana Program, p. 2027
- I-IX Mental Health Center Services for Youth With Serious Emotional Disturbance (SED), p. 2603
- I-X 72-Hour Presumptive Eligibility for Adult Crisis Stabilization Services, p. 307, 641, 1489
- 37.5.117 and other rules - Establishing Hearings for Disputes Related to the Medicaid Drug Rebate Program, p. 2338, 2669
- 37.8.1801 and other rules - Montana Central Tumor Registry, p. 2428, 87
- 37.10.101 and other rules - Living Wills, p. 1686, 2356, 86
- 37.12.401 Laboratory Testing Fees, p. 1000, 1486
- 37.40.302 and other rules - Medicaid Nursing Facility Reimbursement, p. 783, 1320
- 37.71.401 and other rule - Low Income Weatherization Assistance Program (LIWAP), p. 1125, 1592
- 37.75.101 and other rules - Child and Adult Care Food Program (CACFP), p. 2446, 88
- 37.78.102 and other rules - Temporary Assistance for Needy Families (TANF), p. 1970, 2501
- 37.78.102 and other rules - Temporary Assistance for Needy Families (TANF), p. 534, 1154
- 37.81.304 Pharmacy Access Prescription Drug Benefit Program (Big Sky Rx), p. 2330, 2670
- 37.82.101 and other rules - Medicaid Eligibility, p. 915, 1325, 1487
- 37.85.212 Resource Based Relative Value Scale (RBRVS), p. 607, 1155
- 37.85.903 and other rule - General Medicaid Services - Physician-Administered Drugs, p. 2129, 2671
- 37.86.610 and other rules - Medicaid Acute Services Reimbursement, p. 1420, 1980
- 37.86.805 and other rules - Hearing Aid Services - Dental - Home Infusion Therapy - Durable Medical Equipment - Ambulance Services, p. 797, 1156
- 37.86.1101 and other rules - Medicaid Requirements and Reimbursement for Outpatient Drugs, p. 792, 1157
- 37.86.1801 and other rules - Durable Medical Equipment (DME), p. 2334, 2672
- 37.86.2207 and other rules - Medicaid School-Based Health Services, p. 2251, 2673
- 37.86.2207 and other rules - Medicaid and MHSP Reimbursement for Youth Mental Health Services, p. 1536, 2360, 2674

- 37.86.2207 Medicaid Reimbursement for the Therapeutic Portion of Therapeutic Youth Group Home Treatment Services, p. 31, 634, 1488
- 37.86.2402 Preferred Hospital Transportation Reimbursement, p. 1417, 1685, 1982, 2182
- 37.86.2405 and other rules - Medicaid Transportation Reimbursement for Mileage, p. 2599
- 37.86.2801 and other rules - Medicaid Inpatient Hospital Reimbursement, p. 1281, 1983
- 37.88.101 and other rules - Targeted Case Management for Youth With Serious Emotional Disturbance, p. 2434
- 37.88.206 and other rules - Mental Health Services Plan, p. 1424, 1988
- 37.88.1111 Direct Care Wage Add-on for Certain Mental Health Care Providers, p. 612, 1160
- 37.106.1946 and other rules - Crisis Stabilization Facilities, p. 905, 1993
- 37.106.2301 and other rule - Hospice Facilities, p. 2255

PUBLIC SERVICE REGULATION, Department of, Title 38

- 38.5.2102 and other rules - Electric Utility Voltage - Pipeline Safety, p. 2453, 90

REVENUE, Department of, Title 42

- I Temporary Emergency Lodging Credit, p. 2262, 12
- I & II Property Tax for Privately Owned Landfills, p. 2460
- I-XII Local Government Tax Increment Financing Districts (TIFD), p. 548, 1490
- 42.4.201 and other rules - Individual Energy Conservation Installation Credit, p. 2456
- 42.13.107 and other rules - Liquor Licensing Rules, p. 1450, 1821, 2183
- 42.13.601 Small Brewery Closing Time Restrictions, p. 2613
- 42.18.110 and other rules - Montana's Property Appraisal Plan, p. 1555, 2006
- 42.20.620 and other rules - Real Property and Agricultural Land, p. 1301, 1822
- 42.21.113 and other rules - Personal, Industrial, and Centrally Assessed Property Taxes, p. 2134, 2502, 2561

SECRETARY OF STATE, Office of, Title 44

- 1.2.419 Scheduled Dates for the 2009 Montana Administrative Register, p. 2162, 2503
- 1.3.101 and other rules - Model Rules, p. 1003, 1593
- 44.3.102 and other rules - Elections, p. 930, 1329
- 44.5.111 and other rules - Business Entity and Uniform Commercial Code (UCC) Filings, p. 1562, 2056

(Commissioner of Political Practices)

- 44.10.335 and other rules - Constituent Services Accounts, p. 474, 1130, 2009
- 44.12.204 Payment Threshold--Inflation Adjustment for Lobbyists, p. 2465