



ADMINISTRATIVE RULES OF MONTANA



17.30.1385 AGENCY MEMBERSHIP RESTRICTIONS

- (1) Any body which approves MPDES permit applications or portions thereof may not include as a member any person who receives, or has during the previous two years received a significant portion of his income directly or indirectly from permit holders or applicants for a permit.
- (2) For the purposes of this rule, the term "body" includes any individual who has or shares authority to approve permit applications or portions thereof, either in the first instance or on appeal.
- (3) For the purposes of this rule, the term "significant portion of his income" means 10% of gross personal income for a calendar year, except that it means 50% of gross personal income for a calendar year if the recipient is over 60 years of age and is receiving such portion pursuant to retirement, pension, or similar arrangement.
- (4) For the purposes of this rule, the term "permit holders or applicants for a permit" does not include any department or agency of a state government, such as a department of parks or a department of fish and game.
- (5) For the purposes of this rule, the term "income" includes retirement benefits, consultant fees, and stock dividends.
- (6) For the purposes of this rule, income is not received "directly or indirectly from permit holders or applicants for a permit" where it is derived from mutual fund payments, or from other diversified investments over which the recipient does not know the identity of the primary sources of income.

Authorizing statute(s): 75-5-304, MCA

Implementing statute(s): 75-5-304, 75-5-401, MCA

History: NEW, 1989 MAR p. 2060, Eff. 12/8/89; TRANS, from DHES, 1996 MAR p. 1499.