

1977 MARS

Jan.- June

INTRODUCTION TO REGISTER

The Montana Administrative Procedure Act requires the compilation and publication of the Montana Administrative Register. The register is intended as a supplement to the Montana Administrative Code and is the means by which the code is updated and maintained to accommodate rule changes.

All rules adopted after December 31, 1972 will first appear in the register before subsequent transfer to and insertion in the code. These rules may take the form of new rules, rules transferred from another agency, or rules amending or repealing existing rules.

The register is compiled and published on the 25th day of each month and contains two sections, a rules section and a notice section.

Rules section: The rules section of the register contains all rules transferred to or adopted by an agency and filed with the Secretary of State since the compilation and publication of the preceding issue of the register, and in the case of the first issue of the register, since December 31, 1972.

Notice section: The notice section of the register contains all rule making notices filed with the Secretary of State since the compilation and publication of the preceding register and in the case of the first issue of the register, since December 31, 1972. The notices are statements to the public of an agency's intent to adopt a new rule, or to amend or repeal an existing rule. They contain a description of the rule involved and a notice of the time when, place where, and manner in which interested persons may present their views thereon. The formats for the notices are as stated in the Attorney General's model notice forms (MAC 1-1.6(2)-P650 through MAC 1-1.6(2)-P670). The contents are as prescribed in the rules of practice as set out in chapters 2 (or sub-chapters 2 in the case of autonomous agencies within a department which have assigned chapters) under each department's title in the code.

The register contains a rules and notice section for every agency subject to the Montana Administrative Procedure Act. Such agencies appear in the register in the same alphabetical and numerical order as they appear in the code. These positions of order or sequence in the register are indicated by labeled uplift dividers. For each agency, the notices will appear first, followed by the rules. The notices will be printed on buff tinted paper and the rules will appear on white stock, thus easily distinguishing the notice section from the rules section.

The first issue of the register and all subsequent issues will be appropriately indicated by a title page containing the issue number and date of the register and a table of contents, followed by all pages of the register. In addition, all pages of the register, will contain at the bottom an indication of the issue number and date of the register. In this manner, the user may determine under which issue a particular page was published.

INSTRUCTIONS ON HOW TO MAKE INSERTIONS OR DELETIONS IN THE REGISTER

Sec. 82-4206, R.C.M. 1947, provides that the Secretary of State, clerk of each court of record in the state, clerk of each county in the state and the librarians for the state law library and the University of Montana law library shall maintain a complete, current set of the code, including revisions thereto and additions or changes published in the register. To implement this requirement, the following instructions may be followed:

1. The register is a loose-leaf ring binder service which accommodates insertions and deletions. Issue number one and all subsequent issues of the register will contain a title page and table of contents. These title pages and tables of content for each issue will remain at the beginning of the register, in the order of their publication. Thus there will be no title page or table of contents within the text of the register. Rather, the beginning of a new issue will be indicated simply by the issue number and date of publication at the bottom center of every page in the register.
2. Following the tables of content will be the insertion of the appropriately labeled uplift dividers for each department. They will be inserted in alphabetical order, as is indicated by the title numbers in ascending order. For those departments which have autonomous boards or agencies within the department that have been assigned chapters, there will also be inserted uplift dividers appropriately labeled. These dividers will be inserted, in the ascending order of their chapter numbers and following the department dividers and all pages thereunder.
3. Immediately following each department and autonomous agency divider will be inserted the notices which, for easy identification purposes, have been printed on buff tinted paper. The appropriate notice number will be at the bottom right margin on each notice. Such number is comprised of the title number of the agency issuing the notice and an arabic number beginning with "1" for the first notice issued. These notices

are inserted in the ascending order of the notice number. The notices issued by the department begin with the number "1" as do the notices issued by an autonomous agency within the department. Such autonomous agencies will also have their notices inserted in ascending order, in their notice portion of the register.

4. Following the notice section for each department and agency thereunder will be inserted the pages containing all new, transferred, amendatory and repealing rules according to the ascending order of the page numbers at the lower right and left hand margins of the pages. These pages comprise the rules section of the register. Note that they will be in the same style and format as the pages of the code. This is to allow for their subsequent transfer to the code. The rules become effective 10 days after publication in the register, unless otherwise specified in the rule. In either case they are to be removed at that time and inserted in the code. With each package of rules for each issue of the register you will receive a transmittal sheet which indicates by title and page number which pages of the code have been superseded and should be removed. Opposite the superseded page number is a reference to the page number of the new page accompanying the transmittal sheet which is to be inserted in lieu of the page(s) it supersedes.

5. On or about the 25th day of each month the Secretary of State shall mail to all code subscribers the material which is to be included in the register for that month. This will include all notices and changed code pages (the rules section of the register) which the Secretary of State received for filing on or before the 15th day of that month. Should you not receive any notices or code pages for a particular department or agency in any month, this will mean that the Secretary of State received none from that department or agency and it may thereupon be presumed that such department or agency made no rule changes during that month.

6. This introduction to and instructions on how to maintain the register should comprise the first insertion into the register, at the very beginning of the binder. They need not be reinserted for each new issue of the register. Rather, they will not be inserted again until such time as the pages of the initial register become too voluminous for the binder(s). At such time, new binders and uplift dividers will be issued along with another set of the introduction and instructions to again be placed at the beginning of the new binder(s).

In summary, the overall positioning of the items as they are to be placed in the register is as follows:

1. Introduction and instructions on how to update the register.
2. Title pages and tables of content for each issue of the register.
3. Uplift dividers for each department.
 - a. notices issued by the department
 - b. pages containing rule changes made by the department
4. Uplift dividers for autonomous agencies within each department.
 - a. notices issued by that agency
 - b. pages containing rule changes made by the agency.

MONTANA ADMINISTRATIVE REGISTER

JANUARY 24, 1977

NOTE:

The following pieces of legislation pertaining to the Montana Administrative Code have been introduced in the 45th Legislative Assembly. None has received final determination as of this printing date. A further report will appear in the February MONTANA ADMINISTRATIVE REGISTER.

Montana Administrative Code Commissioner

LEGISLATION	SUBJECT
SENATE BILL 37	
Introduced by: Turnage, Roskie - By request of Administrative Code Committee	An Act Requiring Administrative Rules To Conform To Legislative Intent; Providing For The Documentation Of Some Legisla- tive Intent: Amending Section 82-4219, R.C.M. 1947.
SENATE BILL 39	
Introduced by Roskie Turnage - By request of Administrative Code Committee	An Act Establishing a Standard Annual Renewal Fee For Profes- sional And Occupational Licens- ing; Providing For The Payment Of All Professional And Occupa- tional Licensing Revenue Into One Earmarked Account For The Various Licensing Boards; Amend- ing Sections 62-505, 62-515, 66-109, 66-110, 66-407, 66-411, 66-512, 66-513, 66-605, 66-607, 66-809, 66-816, 66-904, 66-906, 66-922, 66-1042, 66-1043, 66- 1236, 66-1237, 66-1307, 66-1311, 66-1403, 66-1410, 66-1507, 66- 1508, 66-1527, 66-1816, 66-1833, 66-1934, 66-2107(2), 66-2111, 66-2203, 66-2207, 66-2213, 66- 2354, 66-2361, 66-2405, 66-2407,

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HOUSE BILL 58

Introduced by: Holmes

To Extend The Provisions of The State Building Code To Cover Private Residential Buildings in Compliance With Safety Regulations Contained In The State Building Code.

HOUSE BILL 65

Introduced by: Scully, Lory, Barrett - By request of Administrative Code Committee

An Act To Create the Position of Administrative Law Judge and a Division of Administrative Adjudication: Providing For An Administrative Law Judge To Hear Contested Cases Before Professional and Occupational Licensing Boards; Appropriating Moneys; Amending Section 82A-1604, R.C.M. 1947.

HOUSE BILL 77

Introduced by: Barrett, Lory, Scully - By request of Administrative Code Committee

An Act For The General Revision of The Laws Relating to Administrative Procedure; Amending Sections 82-4201 Through 82-4208, 82-4212, 82-4213, 82-4215, 82-4216, 82-4217, 82-4220 Through 82-4223, 82-4227, Through 82-4229, and 82A-107, R.C.M. 1947.

HOUSE JOINT RESOLUTION 4

Introduced by: Bradley

A Joint Resolution of the Senate And The House of Representatives of The State of Montana Urging The Department of Revenue To Apply Rule 42-2.8(1)-S8660 Of The Montana Administrative

Code in A Fair and Impartial
Manner.

HOUSE JOINT RESOLUTION 5

Introduced by: Lory,
Scully - By request of
Administrative Code
Committee

A Joint Resolution of The
Senate and The House of Repre-
sentatives of The State of
Montana Requesting The Attorney
General To Revise and Update
The Model Rules of Administra-
tive Practice and Procedure.

1-1/24/77

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 1

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MONTANA ADMINISTRATIVE REGISTER

FEBRUARY 25, 1977

NOTE:

The following pieces of legislation pertaining to the Montana Administrative Code have been introduced in the 45th Legislative Assembly. For your information the status of the legislation on February 14, 1977 was as follows:

Montana Administrative Code Commissioner

LEGISLATION	SUBJECT
SENATE BILL NO. 37 Introduced by: Turnage, Roskie - By request of Administrative Code Committee	An Act Requiring Administrative Rules To Conform To Legislative Intent; Providing For The Documentation Of Some Legisla- tive Intent: Amending Section 82-4219, R.C.M. 1947. (Senate 2nd Reading)
SENATE BILL NO. 39 Introduced by Roskie - Turnage - By request of Administrative Code Committee	An Act Establishing a Standard Annual Renewal Fee For Profes- sional And Occupational Licen- sing; Providing For The Payment of All Professional And Occupa- tional Licensing Revenue Into One Earmarked Account For The Various Licensing Boards; (Amending Applicable R.C.M. Sections) (Business and Industry)
SENATE BILL NO. 84 Introduced by Lowe - By request of the Department of Business Regulation	An Act Relating To The Stand- ards And The Regulation Of Manufacturing And Distribution Of Petroleum Products: Re- pealing Chapter 2 Of Title 60, R.C.M. 1947, In Its Entirety. (Senate 2nd Reading)

SENATE BILL NO. 101

Introduced by Jergenson,
Brown, Turnage & Murphy

An Act To Require Legislative Approval Of Administrative Rules Before Such Rules To Which An Objection Has Been Filed By A Legislator Take Permanent Effect.

(House)

SENATE BILL NO. 120

Introduced by Story

An Act To Provide For The Suspension Of An Administrative Rule During The Interim Between Legislative Sessions By Mail Ballot Of All Members Of The Legislature; Amending Section 82-4207, R.C.M. 1947.

(Senate 3rd Reading)

SENATE BILL NO. 197

Introduced by E. Smith
Kolstad, et al

An Act To Change The Name Of The Wheat Research And Marketing Committee To Grain Research And Marketing Committee: To Provide For Election Rather Than Appointment Of Members Of The Committee; To Provide For Audit Of The Funds Of The Committee; And To Provide For Employment Of An Administrator; Enacting Sections 3-2905.1 Through 3-2905.7 and 3-2921, R.C.M. 1947; And Amending Sections 3-2904, 3-2909, 3-2913, 3-2917, And 82A-304, R.C.M. 1947.

(Agriculture)

SENATE BILL NO. 198

Introduced by Murray
et al - by request of the
Department of Community
Affairs

An Act Requiring Local Governing Bodies To Adopt Land Use Regulations For Airport Influence Areas; Requiring The Department of Community Affairs To Identify Airport Influence Areas and Establish Criteria For The Regulation Of Land Uses Within These Areas: Repealing Sections 1-701 through 1-723, R.C.M. 1947.

(Local Government)

SENATE BILL NO. 221

Introduced By Etchart,
McCallum et al

An Act To Repeal Sections 66-3701 Through 66-3712, R.C.M. 1947, Which Provide For Licensure of Radiologic Technicians, And To Repeal Section 82A-1602. 28 R.C.M. 1947, Which Provides For The Board of Radiologic Technologists.

(Public Health)

SENATE BILL NO. 259

Introduced by Watt

An Act To Amend Montana's Milk Control Act By Abolishing Controlled Wholesale And Retail Prices For Milk; By Giving The Board Of Milk Control Standby Pricing Authority; By Providing For Retail Licensing; And By Prohibiting The Sale Of Milk Below Cost; Amending Sections 27-401, 27-405, 27-407, 27-410, and 27-414, R.C.M. 1947.

(Agriculture)

SENATE BILL NO. 270

Introduced by Blaylock -
by Request of the Department
of Professional and Occupational
Licensing

An Act To Provide For Deletion Of Price Agreements And Approval By The Board Of Cosmetologists; To Provide For A Temporary License For A Cosmetological Establishment For A Limited Period And Until Inspection Is Made; To Provide That The Board Of Cosmetologists May Provide For a 2- Or 3-Year Renewal And That The Renewal Date May Be Changed By Rule For The Manager-Operator And Salon Owner Category And Placing Limits On The Renewal Fee; And To Provide For Increased Late Renewal Fees: Amending Sections 66-806, 66-813.1, and 66-816, R.C.M. 1947.

(Senate 2nd Reading)

SENATE BILL NO. 277

Introduced by Flynn - by
Request of the Department
of Professional and Occupational
Licensing

An Act To Revise The Horse Racing Law To Provide Authority For The Board Of Horse Racing To Deny An Application For Relicensure For Up To 2 Years For Violation Of The Law Or Rules

And Orders Of The Board; And To Provide That A Race Meet Licensee Shall Pay To Montana-Bred Winners 10% Of Only That Part Of The Winner's Purse That The Race Meet License Has Contributed; Amending Sections 62-508 And 62-509, R.C.M. 1947.

(Business & Industry)

SENATE BILL NO. 281

Introduces by Etchart
et al

An Act To Further Regulate The Use Of Snare Traps; Amending Sections 26-504, R.C.M. 1947.

(Senate 2nd Reading)

SENATE BILL NO. 302

Introduced by Roskie,
Turnage Manley - by request of The Administrative Code Committee

An Act To Amend The Montana Environmental Policy Act To Specify That The Act Does Not Expand The Substantive Decision-Making Authority Of State Agencies: Deleting The Requirements That An Environmental Impact Statement Be Prepared On Rules And Legislation; Authorizing The Environmental Quality Council To Review Legislation And Advise The Legislature Of Potential Environmental Impacts; Requiring State Agencies To Hold A Public Hearing On A Proposed Rule Under The Montana Administrative Procedure Act When It Has Been Determined That The Proposed Rule Would Constitute A Major State Action Having A Significant Impact On The Human Environment; and Amending Section 69-6504, R.C.M. 1947.

(Natural Resources)

SENATE BILL NO. 323

Introduced by Mehrens -
by request

An Act To Regulate The Establishment, Operation, and Use Of Electronic Funds Transfer Systems.

(Business & Industry)

SENATE BILL NO. 353

Introduced by Hager

An Act To Amend Section 69-5601, R.C.M. 1947, To Redefine The Term "Trailer Court" For Purpose of Regulation Of Trailer Courts Under Title 69, Chapter 56, R.C.M. 1947.

(Killed in Local Government)

SENATE BILL NO. 369

Introduced by Thomas,
Mehrens

Placing Further Restrictions On Applications For The Prisoner Furlough Program

(Judiciary)

SENATE BILL NO. 386

Introduced by Murray,
Devine, et al

An Act To Regulate The Relationship between New Motor Vehicle Dealers And New Motor Vehicle Manufacturers, Distributors, and Importers; Providing For The Licensing Of New Motor Vehicle Manufacturers, Distributors, and Importers; Providing For Administration By The Department of Justice; Providing For The Regulation and Review Of Transactions between New Motor Vehicle Dealers And New Motor Vehicle Manufacturers, Distributors, and Importers; Providing For The Limitation Of New Motor Vehicle Dealer's Products Liability; Providing For Notice, Hearing, And New Motor Vehicle Manufacturers, Distributors, and Importers Prohibiting Coercion Of New Motor Vehicle Dealers; And Providing For Civil And Criminal Penalties

(Highways)

SENATE BILL NO. 389

Introduced by Fasbender
Stehens

An Act To Repeal The Sections Establishing The Educational Broadcasting Commission And Its Duties; To Provide That The Department of Administration Shall Foster The Development Of New Communication Systems; Amending Section 82-3325, R.C.M. 1947; Repealing Sections 75-9001 Through 75-9004 and 82A-511, R.C.M. 1947; Providing An Immed-

iate Effective Date.

(Education)

SENATE BILL NO. 401

Introduced by Lowe, Flynn

An Act Providing For The Consolidation Of Administrative Functions Regarding Building Codes; Providing For Promulgation of Codes By The Department Of Administration; Amending Sections 66-2416, 66-2417, 66-2427, 66-2802, 66-2805.1, 69-2105, 69-2111, 69-2112, 69-2124, 75-8206, 75-8207, 82-1202, 82-1202.1, 82-1208, 82-1229, 82-1232, and 82A-1607, R.C.M. 1947: And Repealing Sections 69-4117 and 69-5507, R.C.M. 1947.

(Local Government)

SENATE BILL NO. 406

Introduced by Jergeson

An Act To Establish Rules Regarding Evidence In Hearings of Contested Cases Before The Public Service Commission.

(Judiciary)

SENATE BILL NO. 412

Introduced by Regan,
Fasbender

An Act Abolishing The Administrative Office Of Division Of Motor Vehicles And Creating A Division Of Motor Vehicle Registration And A Highway Patrol Division To Manage The Functions Formerly Assigned To The Division Of Motor Vehicles: Amending Sections 82A-1205 and 82A-1206, R.C.M. 1947, And Repealing Section 82A-1204, R.C.M. 1947.

(Highways & Transportation)

SENATE BILL NO. 425

Introduced by Boyland -
by Request

Revising License Renewal Provisions Relating To The Practice of Chiropractic

(Public Health)

SENATE BILL NO. 433

Introduced by R. Smith,
Lee, et al

Providing For Specialty Licenses For Heating, Ventilation and Air Conditioning Work

(Business and Industry)

SENATE JOINT RESOLUTION NO. 8

Introduced by Murray,
Devine, et al

A Joint Resolution Of The Senate And The House Of Representatives Of The State Of Montana Directing An Amendment To Rule 40-3.54(14)-S54050 Of The Montana Administrative Code To Permit A Licensed Acupuncturist To Treat A Patient With Acupuncture Without The Requirement That A Person Licensed To Practice Medicine And Surgery In The State Of Montana First Have Prescribed Acupuncture Treatment For The Patient.

(House)

HOUSE BILL NO. 58

Introduced by Holmes

An Act To Amend 69-2107, R.C.M. 1947, To Extend The Provisions Of The State Building Code To Cover Private Residential Buildings And Thereby Require The Installation Of Smoke Detectors And Compliance With Other Safety Regulations Contained In The State Building Code In Private Residential Home Construction.

(Killed In Business and Industry)

HOUSE BILL NO. 65

Introduced by Scully,
Lory, Barrett - By Request
of the Administrative Code
Committee

An Act To Create The Position Of Administrative Law Judge And a Division Of Administrative Adjudication; Providing For An Administrative Law Judge To Hear Contested Cases Before Professional And Occupational Licensing Boards; Appropriating Moneys; Amending Section 82A-1604, R.C.M. 1947.

(Appropriations)

HOUSE BILL NO. 77

Introduced by Barrett,
Lorey, et al - by request
of the Administrative Code
Committee

An Act For The General Revision Of The Laws Relating To Administrative Procedure; Amending Sections 82-4201 Through 82-4208, 82-4212, 82-4213, 82-4215, 82-4216, 82-4217, 82-4220 Through 82-4223, 82-4227 Through 82-4229, and 82A107, R.C.M. 1947.

(Judiciary)

HOUSE BILL NO. 230

Introduced by Gerke

An Act To Transfer The Administration Of The Board Of Housing From The Department Of Community Affairs To The Department of Administration; Amending Section 35-503 And Renumbering Section 82A-907, R.C.M. 1947.

(State Administration)

HOUSE BILL NO. 234

Introduced by Johnston,
J. Gunderson, et al

An Act To Amend The Law Relating To Grain Standards, Storage, and Inspection and Regulation Of Grain Warehousemen; Amending Sections 3-209, 3-227, 3-228.1, 3-228.2, R.C.M. 1947.

(Engrossing)

HOUSE BILL NO. 236

Introduced by Harper - by
request of The Department
of Health and Environmental
Sciences

An Act To Amend Title 69, Chapter 41, R.C.M. 1947, Conferring General Powers and Duties Upon The Board and Department Of Health and Environmental Sciences; Authorizing The Department To Adopt Rules For The Assessment Of Fees In Performing Laboratory Services; Authorizing The Department To Bring Action For Injunctive Relief When A Public Health Law, Rule, Or Order Adopted or Issued As Authorized By Law Has Been Violated; Amending Sections 69-4110 and 69-4111, R.C.M. 1947.

(Senate Public Health)

HOUSE BILL NO. 238

Introduced by Robbins,
Hurwitz, et al

To Establish Procedures For Fixing and Reviewing Rates Charged By Municipalities For Service From Municipally Owned Water and Sewer Systems.

(Transmit to Senate)

HOUSE BILL NO. 246

Introduced by Barrett,
Johnston, et al

An Act To Provide The Department of Agriculture Authority To Adopt Rules Concerning Rural Rehabilitation.

(Third Reading)

HOUSE BILL NO. 255

Introduced by Cooney,
Palmer, et al

An Act Amending Section 69-2110, R.C.M. 1947, To Require The State Building Code To Set Standards Assuring Accessibility By Handicapped and Elderly People To Buildings Designed Primarily For Use By The Public and To The Facilities Within Those Buildings.

(Public Health)

HOUSE BILL NO. 257

Introduced by Dussault,
Ellis, et al

To Provide For The Licensing of Persons In Montana Representing Themselves As Certified Social Workers.

(Second Reading)

HOUSE BILL NO. 328

Introduced by Menahan- by
request of The Department
of Administration

An Act To Change The Name of The Board of Administration Of The Department of Administration To the "Public Employees" Retirement Board" And To Consolidate Such Board, The Montana and State Game Wardens' Retirement Board, and The Montana Judges' Retirement Board; Amending Sections 68-1401, 68-1405, 82A-210, and 93-1107, R.C.M. 1947; Repealing Sections 82A-210.1 and 82A210.2 R.C.M. 1947; Providing an Effective Date.

(Senate State Administration)

HOUSE BILL NO. 350

Introduced by Kimble,
Palmer, et al

An Act Creating The Department of Aging Within The Executive Branch of Montana State Government; Providing For The Functions, Powers, Duties, and Responsibilities of The Department; Transferring Functions To The Department From the Department of Social and Rehabilitation Services and The Department of Institutions; Amending Sections 71-1915, 71-1918, 71-2301, 71-3204, 80-2414, 80-2502, 82A-801.1, and 82A-1901.1, R.C.M. 1947.

(Public Health)

HOUSE BILL NO. 360

Introduced by Cooney,
Palmer, et al

An Act Providing For The Licensing and Regulation of Home Health Agencies In Montana by The Department of Health and Environmental Sciences.

(Public Health)

HOUSE BILL NO. 395

Introduced by Quillici,
Vincent, Meloy

An Act To Clarify That The Consumer Counsel Has Discovery Powers In Contested Cases That Arise Before Any Administrative Agency of The State of Montana; Amending Section 70-707, R.C.M. 1947.

(Business and Industry)

HOUSE BILL NO. 396

Introduced by Quillici,
Vincent Fabrega

An Act to Mandate The Public Service Commission To Adopt Rules of Practice and Procedure For Rate Cases.

(Business and Industry)

HOUSE BILL NO. 430

Introduced by Hirsch,
Fagg, et al

An Act Clarifying and Revising The Provision Dealing With Adoption of The State Building Code, Fixing Dates By Which Energy Conservation Rules Must Be Drafted, Heard, Adopted, Published, and Implemented; Amending Section 69-2111, R.C.M. 1947.

(Natural Resources)

HOUSE BILL NO. 446

Introduced by Pistoria
O'Connell

An Act To Authorize The Public Service Commission To Regulate Sewerage Services Rates; Defining a Public Utility To Include Sewerage Services; Amending Sections 11-1001, 11-2216, 11-2217, 11-2403, 16-4416, 16-4526, 70-103, 70-105, and 84-4726.1, R.C.M. 1947.

(Business and Industry)

HOUSE BILL NO. 477

Introduced by Huennekens

An Act To Amend Sections 89-318, 89-320, and 89-322, R.C.M. 1947 To Provide That The Department

of Natural Resources and Conservation Rather Than The Applicant For A Weather Modification Permit Shall Publish The Notice of Intention; And Providing An Immediate Effective Date."

(Transmit to Senate)

HOUSE BILL NO. 530

Introduced by Menahan

An Act To Provide For The Regulation of Persons and Organizations Owning, Controlling, Operating, and Managing Cable Television Systems; Amending Section 70-103, R.C.M. 1947, To Include Cable Television Systems In The Definition of Public Utility; And Amending Section 70-119, R.C.M. 1947, To Require Hearings on Complaints Against Cable Television Companies.

(Business and Industry)

HOUSE BILL NO. 534

Introduced by Brand,
Mular, et al

An Act Abolishing The Department of Institutions; Transferring The Functions Of That Department to The Department of Social and Rehabilitation Services; Transferring The Board of Institutions Board of Pardons, and Board of Eugenics To The Department of Social and Rehabilitation Services; Amending Sections 80-1402, 80-1407.1, 80-2709, 82A-1901.1, 95-2218, 95-3205, 95-3301 and 95-3302.1, R.C.M. 1947; Renumbering and Amending Section 82A-805, R.C.M. 1947; Renumbering Sections 82A-804 and 82A-806, R.C.M. 1947; and Repealing Sections 82A-801 and 82A-801.1, R.C.M. 1947.

(State Administration)

HOUSE BILL NO. 538

Introduced by Nathe, Day

An Act to Regulate The Exercise of the Power of Eminent Domain By Certain Persons; To Require Approval Of The Department of Natural Resources and Conservation To Condemn Reservoir Sites

And To Prevent Such Condemnation For Speculative Purposes; And Creating A Penalty For Unlawful Threats To Exervise The Power Of Eminent Domain To Secure Reservoir Sites.

(Natural Resources)

HOUSE BILL NO. 542

Introduced by Hirsch - by
request of The Governor's
Office

An Act Amending Section 70-806, R.C.M. 1947, Providing For The Filing of a 1-Year Notice of Intention To File An Application For A Certificate Under The Major Facility Siting Act.

(Natural Resources)

HOUSE BILL NO. 650

Introduced by Scully,
Tropila

An Act Amending Section 53-118, R.C.M. 1947, To Provide For Regulation Of Motor Vehicle And Trailer Dealers; Defining The Acquisition And Use Of Dealer License Plates.

(Highways)

HOUSE BILL NO. 661

Introduced by Bardanouve,
Huennekens, Meloy

An Act Revising The Application, Study and Hearing Procedures Under The Major Facility Siting Act; Defining Need; Providing For A Siting Inventory; Providing For Forecasting The Demand For Energy; and Broadening The Scope of The Penalty Provision; Amending Sections 70-803 Through 70-811, 70-820, and 70-821, R.C.M. 1947; And Repealing Sections 70-825 Through 70-829, R.C.M. 1947.

(Natural Resources)

HOUSE BILL NO. 665

Introduced by Holmes,
Lynch, et al

An Act To Provide Flexibility To The Department of Social and Rehabilitation Services In Administering Energy Assistance Programs.

(Natural Resources)

HOUSE BILL NO. 681

Introduced by Waldron

An Act To Exclude Retailers From Many of The Provisions Of The Montana Cigarette Sales Act And To Transfer The Administration of That Act From The Department of Revenue To The Department of Business Regulation; Amending Sections 51-303, 51-304, 51-306, 51-307, 51-308, 51-310, 51-311, 51-312, and 51-314, R.C.M. 1947.

(Taxation)

HOUSE BILL NO. 700

Introduced by Brand,
Bradley et al

An Act Concerning Public Employment Relations, Renaming The Merit System Council And The Board of Personnel Appeals, Transferring Certain Functions, and Requiring The Establishment of A Grievance Procedure; Amending Sections 59-914, 59-1602, 59-1603, 82A-206, and 82A1014, R.C.M. 1947; and Repealing Sections 32-2504 Through 32-2505.3 And 82A709, R.C.M. 1947.

(Labor)

HOUSE BILL NO. 718

Introduced by Meloy

An Act Revising Definitions and Duties Under The Citizen Participation Law; Amending Sections 82-4227 and 82-4228, R.C.M. 1947.

(Judiciary)

HOUSE JOINT RESOLUTION NO. 4

Introduced by Bradley

A Joint Resolution Of The Senate and The House Of Representatives of The State Of Montana Urging The Department of Revenue To Apply Rule 42-2.8(1)-S8660 of The Montana Administrative Code in a Fair and Impartial Manner.

(Appropriations)

HOUSE JOINT RESOLUTION NO. 5

Introduced by Lory,
Scully

A Joint Resolution Of The Senate and The House Of Representatives of The State of Montana Requesting The Attorney General To Revise and Update The Model Rules of Administrative Practice and Procedure.
(Senate Judiciary)

HOUSE JOINT RESOLUTION NO. 7

Introduced by Johnston,
Mular, et al

A Joint Resolution Of The Senate And The House Of Representatives Of The State Of Montana Directing An Amendment To Rule 16-2.14(1)-S1490 Of The Montana Administrative Code, To Provide That No Permit Shall Be Issued For An Open Fire Or Open Burning Without The Prior Approval of a Fire Chief Or Other Appropriate Official.

(Senate Judiciary)

HOUSE JOINT RESOLUTION NO. 12

Introduced by Barrett

A Joint Resolution Of The Senate and The House Of Representatives Of The State Of Montana Repealing The State Electrical Board Rule 40-3.38(6)-S3875 Of The Montana Administrative Code Relating To Registration of Apprentices.

(Killed on 3rd Reading)

HOUSE JOINT RESOLUTION NO. 44

Introduced by Moore,
Fabrega, et al

A Joint Resolution of The Senate And The House Of Representatives of The State Of Montana Directing An Amendment To Rule 8-2.4 (14)-S4520 of The Montana Administrative Code To Delete Subsection (1)(m) Requiring A Completed Personal Data Form For Each Director, Administrator, Supervisor, Teacher, or Agent.

(Education)

HOUSE JOINT RESOLUTION NO. 62

Introduced by Holmes,
Menahan, Dussault

A Joint Resolution Calling For A Study Of The Practice Of Psychology and The Licensing of Psychologists.

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MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 2

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MONTANA ADMINISTRATIVE REGISTER

MARCH 25, 1977

NOTE:

The following pieces of legislation pertaining to the Montana Administrative Code have been introduced in the 45th Legislative Assembly. For your information the status of the legislation on March 17, 1977 was as follows:

Montana Administrative Code Commissioner

LEGISLATION	SUBJECT
SENATE BILL NO. 37	An Act Requiring Administrative Rules To Conform To Legislative Intent: Providing For The Documentation Of Some Legislative Intent: Amending Section 82-4219, R.C.M. 1947. (House Judiciary)
Introduced by: Turnage, Roskie - By request of Administrative Code Committee	
SENATE BILL NO. 39	Establishing a Standard Annual Renewal Fee For Professional And Occupational Licensing; Providing For The Payment of all Professional And Occupational Licensing Revenue Into One Earmarked Account. (Died in Business & Industry - 2/26/77)
Introduced by Roskie - Turnage - By request of Administrative Code Committee	
SENATE BILL NO. 84	An Act Relating To The Standards And The Regulation Of Manufacturing And Distribution Of Petroleum Products: Repealing Chapter 2 Of Title 60, R.C.M. 1947, In Its Entirety. (Senate Enrolling)
Introduced by Lowe - By request of the Department of Business Regulation	

SENATE BILL NO. 101

Introduced by Jergenson,
Brown, Turnage & Murphy

An Act To Require Legislative Approval Of Administrative Rules Before Such Rules To Which An Objection Has Been Filed By A Legislator Take Permanent Effect.
(House Judiciary)

SENATE BILL NO. 120

Introduced by Story

An Act To Provide For The Suspension Of An Administrative Rule During The Interim Between Legislative Sessions By Mail Ballot Of All Members Of The Legislature; Amending Section 82-4207, R.C.M. 1947.
(House State Administration)

SENATE BILL NO. 197

Introduced by E. Smith
Kolstad, et al

An Act To Change The Name Of The Wheat Research And Marketing Committee To Grain Research And Marketing Committee; To Provide For Election Rather Than Appointment Of Members Of The Committee; To Provide For Audit Of The Funds Of The Committee; And To Provide For Employment Of An Administrator; Enacting Sections 3-2905.1 Through 3-2905.7 and 3-2921 R.C.M. 1947; And Amending Sections 3-2904, 3-2909, 3-2913, 3-2917, And 82A-304, R.C.M. 1947.
(House 24-Hour Notice)

SENATE BILL NO. 198

Introduced by Murray
et al - by request of
the Department of Community Affairs

An Act Requiring Local Governing Bodies To Adopt Land Use Regulations For Airport Influence Areas; Requiring The Department of Community Affairs To Identify Airport Influence Areas and Establish Criteria Within These Areas; Repealing Sections 1-701 through 1-723, R.C.M. 1947.
(House Local Government)

SENATE BILL No. 221

Introduced By Etchart,
McCallum et al

An Act To Repeal Sections 66-3701 Through 66-3712, R.C.M. 1947, Which Provide For Licensure of Radiologic Technicians, And To Repeal Sections 82A-1602

28, R.C.M. 1947, Which Provides
For The Board of Radiologic
Technologists.
(House Public Health)

SENATE BILL NO. 259

Introduced by Watt

Amending The Milk Control Act
By Abolishing Controlled Whole-
sale And Retail Prices For Milk.
(Senate - Killed in Agriculture
2/19/77)

SENATE BILL NO. 270

Introduced by Blaylock -
by Request of the Depart-
ment of Professional and
Occupational Licensing

An Act To Provide For Deletion
Of Price Agreements And Approv-
al By The Board Of Cosmetolo-
gists; To Provide For A Tem-
porary License For A Cosmetolog-
ical Establishment For A Limited
Period And Until Inspection Is
Made; To Provide That The Board
Of Cosmetologists May Provide
For a 2- Or 3-Year Renewal And
That The Renewal Date May Be
Changed By Rule For The Manager-
Operator And Salon Owner Category
And Placing Limits On The Renewal
Fee; And To Provide For Increas-
ed Late Renewal Fees
(House Second Reading)

SENATE BILL NO. 277

Introduced by Flynn - by
Request of the Department
of Professional and Occu-
pational Licensing

An Act To Revise The Horse Rac-
ing Law To Provide Authority
For The Board Of Horse Racing
To Deny An Application For Re-
licensure For Up To 2 Years For
Violation Of The Law Or Rules
And Orders Of The Board; And
To Provide That A Race Meet
Licensee Shall Pay To Montana-
Bred Winners 10% Of Only That
Part Of The Winner's Purse That
The Race Meet License Has Con-
tributed; Amending Sections 62-
508 And 62-509, R.C.M. 1947.
(House Second Reading)

SENATE BILL NO. 281

Introduced by Etchart
et al

An Act To Further Regulate The
Use Of Snare Traps; Amending
Sections 26-504, R.C.M. 1947.
(Senate Enrolling)

SENATE BILL NO. 302

Introduced by Roskie,
Turnage, Manley - by
request of the Adminis-
trative Code Committee

An Act To Amend The Montana Environmental Policy Act To Specify That The Act Does Not Expand The Substantive Decision-Making Authority Of State Agencies; Deleting The Requirements That An Environmental Impact Statement Be Prepared On Rules And Legislation; Authoring The Environmental Quality Council To Review Legislation And Advise The Legislature Of Potential Environmental Impacts; Requiring State Agencies To Hold A Public Hearing On A Proposed Rule Under The Montana Administrative Procedure Act When It Has Been Determined That The Proposed Rule Would Constitute A Major State Action Having A Significant Impact On The Human Environment; and Amending Section 69-6504, R.C.M. 1947. (House Natural Resources)

SENATE BILL NO. 323

Introduced by Mehrens -
by request

An Act To Regulate The Establishment, Operation, and Use Of Electronic Funds Transfer Systems. (Died in Business & Industry - 2/26/77)

SENATE BILL NO. 353

Introduced by Hager

Redefining The Term "Trailer Courts" For Purpose Of Regulation. (Killed in Local Government - 3/11/77)

SENATE BILL NO. 369

Introduced by Thomas,
Mehrens

Placing Further Restrictions On Applications For The Prisoner Furlough Program. (Senate Killed in Judiciary - 2/15/77)

SENATE BILL NO. 386

Introduced by Murray,
Devine, et al

An Act To Regulate The Relationship between New Motor Vehicle Dealers And New Motor Vehicle Manufacturers, Distributors, and Importers; Providing For The Licensing Of New Motor Vehicle Manufacturers, Distributors, and Importers; Providing For Admin-

istration By The Department of Justice; Providing For The Regulation and Review Of Transactions between New Motor Vehicle Dealers And New Motor Vehicle Manufacturers, Distributors, and Importers; Providing For The Limitation Of New Motor Vehicle Dealer's Products Liability; Providing For Notice, Hearing, And New Motor Vehicle Manufacturers, Distributors, and Importers Prohibiting Coercion Of New Motor Vehicle Dealers; And Providing For Civil And Criminal Penalties.

(House Business & Industry)

SENATE BILL NO. 389

Introduced by Fasbender,
Stephens

An Act To Repeal The Sections Establishing The Educational Broadcasting Commission And Its Duties; To Provide That The Department of Administration Shall Foster The Development Of New Communication Systems; Amending Sections 82-3325, R.C.M. 1947; Repealing Sections 75-9001 Through 75-9004 and 82A-511, R.C.M. 1947; Providing An Immediate Effective Date.
(House Second Reading)

SENATE BILL NO. 401

Introduced by Lowe, Flynn

An Act Providing For The Consolidation Of Administrative Functions Regarding Building Codes; Providing For Promulgation of Codes By The Department of Administration; Amending Sections 66-2416, 66-2417, 66-2427, 66-2802, 66-2804.1, 69-2105, 69-2111, 69-2112, 69-2124, 75-8206, 75-8207, 82-1202, 82-1202.1, 82-1208, 82-1229, 82-1232, and 82A-1607, R.C.M. 1947; And Repealing Sections 69-4117 and 69-5507, R.C.M. 1947.
(House State Administration)

SENATE BILL NO. 406

Introduced by Jergeson

An Act To Establish Rules Regarding Evidence In Hearings of Contested Cases Before The Public Service Commission.

(Senate Killed on 2nd Reading -
2/18/77)

SENATE BILL NO. 412

Introduced by Regan,
Fasbender

Abolishing The Administrative
Office Of Division Of Motor
Vehicle Registration.
(Died in Highways - 2/26/77)

SENATE BILL NO. 425

Introduced by Boyland
by request

Revising License Renewal Pro-
visions Relating To The Practice
of Chiropractic.
(House Public Health)

SENATE BILL NO. 433

Introduced by R. Smith,
Lee, et al

Providing For Specialty Licenses
For Heating, Ventilation and Air
Conditioning Work.
(House Business & Industry)

SENATE BILL NO. 440

Introduced by Fasbender,
Roberts, et al

An Act To Improve And Maintain
Quality Transportation Services
In Montana By Creation Of A
Department Of Transportation And
A Transportation Commission:
Transferring All State Transpor-
tation Functions To The Depart-
ment Or The Commission: Amend-
ing Sections 1-322.1, 8-103,
8-118, 32-2144.1, 32-2203, 72-
101.1, 72-136, and 82A-901.1,
R.C.M. 1947; And Repealing Sec-
tions 32-2404, 72-105, 72-107,
72-112, 72-113, 72-139, 82A-701,
82A-701.1, 82A-706.1, 82A-709,
82A-905, 82A-1204, 82A-1205, and
82A-1206, R.C.M. 1947.
(House State Administration)

SENATE JOINT RESOLUTION NO. 8 A Joint Resolution Of The Senate
And The House Of Representatives
Of The State Of Montana Directing
An Amendment To Rule 40-3.54(14)
-S54050 Of The Montana Administra-
tive Code To Permit A Licensed
Acupuncturist To Treat A Patient
With Acupuncture Without The Re-
quirement That A Person Licensed
To Practice Medicine And Surgery
In The State Of Montana First
Have Prescribed Acupuncture Treat-
ment For The Patient.
(Senate Enrolling)

Introduced by Murray,
Devine, et al

HOUSE BILL NO. 58

Introduced by Holmes

To Extend The Provisions Of The State Building Code To Cover Private Residential Buildings In Compliance With Safety Regulations Contained In The State Building Code.
(Killed in Business and Industry 2/2/77)

HOUSE BILL NO. 65

Introduced by Scully,
Lory, Barrett - By request
of the Administrative Code
Committee

An Act To Create The Position Of Administrative Law Judge And a Division Of Administrative Adjudication; Providing For An Administrative Law Judge To Hear Contested Cases Before Professional And Occupational Licensing Boards; Appropriating Moneys; Amending Section 82A-1604, R.C.M. 1947.
(Appropriations)

HOUSE BILL NO. 77

Introduced by Barrett,
Lory, et al - by request
of the Administrative Code
Committee

An Act For The General Revision Of The Laws Relating To Administrative Procedure; Amending Sections 82-4201 Through 82-4208, 82-4212, 82-4213, 82-4215, 82-4216, 82-4217, 82-4220 Through 82-4223, 82-4227 Through 82-4229 and 82A-107, R.C.M. 1947.
(Senate Engrossing)

HOUSE BILL NO. 230

Introduced by Gerke

An Act To Transfer The Administration Of The Board Of Housing From The Department Of Community Affairs To The Department of Administration; Amending Section 35-503 And Renumbering Section 82A-907, R.C.M. 1947.
(Senate Engrossing)

HOUSE BILL NO. 234

Introduced by Johnston,
J. Gunderson, et al

An Act To Amend The Law Relating To Grain Standards, Storage, and Inspection and Regulation Of Grain Warehousemen; Amending Sections 3-209, 3-227, 3-228.1, 3-228.2, R.C.M. 1947.
(Governor's Office)

HOUSE BILL NO. 236

Introduced by Harper - by
request of the Department
of Health and Environmental
Sciences

An Act To Amend Title 69, Chapter
41, R.C.M. 1947, Conferring Gen-
eral Powers and Duties Upon The
Board and Department Of Health
and Environmental Sciences;
Authorizing The Department To
Adopt Rules For The Assessment
Of Fees In Performing Laboratory
Services; Authorizing The De-
partment To Bring Action For
Injunctive Relief When A Public
Health Law, Rule, Or Order Adopt-
ed or Issued As Authorized By
Law Has Been Violated; Amending
Sections 69-4110 and 69-4111,
R.C.M. 1947.

(Senate Public Health)

HOUSE BILL NO. 238

Introduced by Robbins,
Hurwitz, et al

To Establish Procedures For
Fixing and Reviewing Rates
Charged By Municipalities For
Service From Municipally Owned
Water and Sewer Systems.
(Senate Judiciary)

HOUSE BILL NO. 246

Introduced by Barrett,
Johnston, et al

An Act To Provide The Department
of Agriculture Authority To
Adopt Rules Concerning Rural
Rehabilitation.
(Signed by the Governor 3/14/77)

HOUSE BILL NO. 255

Introduced by Cooney,
Palmer, et al

An Act Amending Section 69-
2110, R.C.M. 1947, To Require
The State Building Code To Set
Standards Assuring Accessibility
By Handicapped and Elderly
People To Buildings Designed
Primarily For Use By The Public
and To The Facilities Within
Those Buildings.
(Public Health)

HOUSE BILL NO. 257

Introduced by Dussault,
Ellis, et al

To Provide For The Licensing of
Persons In Montana Representing
Themselves As Certified Social
Workers.
(Killed on Second Reading 2/14/77)

HOUSE BILL NO. 328

Introduced by Menahan -
by request of The Depart-

An Act To Change The Name of
The Board of Administration Of
The Department of Administration
To the "Public Employees" Re-

- ment of Administration tirement Board, and The Montana Judges' Retirement Board; Amending Sections 68-1401, 68-1405, 82A-210, and 93-1107, R.C.M. 1947; Repealing Sections 82A-210.1 and 82A-210.2 R.C.M. 1947; Providing an Effective Date. (Senate 3rd Reading)
- HOUSE BILL NO. 341 To Prescribe The Methods of Testing For Brucellosis Which May Be Adopted By The Department of Livestock. (Killed in Agriculture - 2/19/77)
- Introduced by Dussault,
Manuel, et al
- HOUSE BILL NO. 350 An Act Creating The Department of Aging Within The Executive Branch of Montana State Government; Providing For The Functions, Powers, Duties, and Responsibilities of The Department; Transferring Functions To The Department From the Department of Social and Rehabilitation Services and The Department of Institutions; Amending Sections 71-1915, 71-1918, 71-2301, 71-3204, 80-2414, 80-2502, 82A-801.1, and 82A-1901.1, R.C.M. 1947. (Appropriations)
- Introduced by Kimble,
Palmer, et al
- HOUSE BILL NO. 360 An Act Providing For The Licensing and Regulation of Home Health Agencies In Montana by The Department of Health and Environmental Sciences. (Senate Public Health)
- Introduced by Cooney,
Palmer, et al
- HOUSE BILL NO. 395 An Act To Clarify That The Consumer Counsel Has Discovery Powers In Contested Cases That Arise Before Any Administrative Agency of The State of Montana; Amending Section 70-707, R.C.M. 1947. (Senate Engrossing)
- Introduced by Quilici,
Vincent, Meloy
- HOUSE BILL NO. 396 An Act to Mandate The Public Service Commission To Adopt Rules of Practice and Procedure For Rate Cases. (Senate Engrossing)
- Introduced by Quilici,
Vincent, Fabrega

HOUSE BILL NO. 430

Introduced by Hirsch,
Fagg, et al

An Act Clarifying and Revising The Provision Dealing With Adoption of The State Building Code, Fixing Dates By Which Energy Conservation Rules Must Be Drafted, Heard, Adopted, Published and Implemented; Amending Section 69-2/11, R.C.M. 1947.

(Returned to House)

HOUSE BILL NO. 446

Introduced by Pistoria,
O'Connell

An Act To Authorize The Public Service Commission To Regulate Sewerage Services Rates; Defining a Public Utility To Include Sewerage Services; Amending Sections 11-1001, 11-2216, 11-2217, 11-2403, 16-4416, 16-4526, 70-103, 70-105, and 84-4726.1, R.C.M. 1947.

(Business and Industry)

HOUSE BILL NO. 477

Introduced by Huennekens

An Act To Amend Sections 89-318, 89-320, and 89-322, R.C.M. 1947 To Provide That The Department of Natural Resources and Conservation Rather Than The Applicant For A Weather Modification Permit Shall Publish The Notice of Intention; And Providing An Immediate Effective Date. (Governor's Office)

HOUSE BILL NO. 530

Introduced by Menahan

An Act To Provide For The Regulation of Persons and Organizations Owning, Controlling, Operating, and Managing Cable Television Systems; Amending Section 70-103, R.C.M. 1947, To Include Cable Television Systems In The Definition of Public Utility; And Amending Section 70-119, R.C.M. 1947, To Require Hearings on Complaints Against Cable Television Companies.

(Business and Industry)

HOUSE BILL NO. 534

Introduced by Brand,
Mular, et al

To Abolish The Department of Institutions.

(Killed on Third Reading - 2/26/77)

HOUSE BILL NO. 535

Introduced by Williams,
Aageson, et al

An Act Amending Section 3-208, R.C.M. 1947, Relating To Charges Of Public Warehousemen For Handling, Cleaning, and Storage of Grain, To Place Applicable Regulatory and Ratemaking Authority in The Department of Agriculture; And Providing An Immediate Effective Date.
(Returned to House)

HOUSE BILL NO. 538

Introduced by Nathe, Day

To Regulate The Exercise of The Power of Eminent Domain By Certain Persons.
(Killed on Second Reading - 2/25/77)

HOUSE BILL NO. 542

Introduced by Hirsch - by
request of The Governor's
Office

An Act Amending Section 70-806, R.C.M. 1947, Providing For The Filing of a 1-Year Notice of Intention To File An Application For A Certificate Under The Major Facility Siting Act.
(Senate 2nd Reading)

HOUSE BILL NO. 606

Introduced by Waldron

An Act Defining All-Terrain Vehicle, Requiring Registration of Such Vehicles, Providing For An Annual Use Permit, And Establishing Operation and Safety Requirements For Such Vehicles.
(Taxation)

HOUSE BILL NO. 610

Introduced by Manuel

To Provide For or Change Fees and Registration For Applicants of The Boards of The Department of Professional and Occupational Licensing.
(Senate Business & Industry)

HOUSE BILL NO. 650

Introduced by Scully,
Tropila

An Act Amending Section 53-118, R.C.M. 1947, To Provide For Regulation Of Motor Vehicle And Trailer Dealers; Defining The Acquisition And Use Of Dealer License Plates.
(Senate Highways)

HOUSE BILL NO. 661

Introduced by Bardanouve,
Huennekens, Meloy

An Act Revising The Application. Study and Hearing Procedures Under The Major Facility Siting Act; Defining Need; Providing

	For A Siting Inventory; Providing For Forecasting The Demand For Energy; and Broadening The Scope Of The Penalty Provision; Amending Sections 70-803 Through 70-811, 70-820 and 70-821, R.C.M. 1947; And Repealing Sections 70-825 Through 70-829, R.C.M. 1947. (Appropriations)
HOUSE BILL NO. 665 Introduced by Holmes, Lynch, et al	An Act To Provide Flexibility To The Department of Social and Rehabilitation Services In Administering Energy Assistance Programs. (Natural Resources)
HOUSE BILL NO. 681 Introduced by Waldron	To Exclude Retailers From Many of The Provisions of The Mont- and Cigarette Sales Act and To Transfer The Administration of That Act To The Department of Business Regulation. (Killed in Taxation - 2/26/77)
HOUSE BILL NO. 700 Introduced by Brand, Bradley et al	An Act Concerning Public Employment Relation, Renaming The Merit System Council And The Board of Personnel Appeals, Transferring Certain Functions, and Requiring The Establishment of A Grievance Procedure; Amending Sections 59-914, 59-1602, 59-1603, 82A-206, and 82A-1014, R.C.M. 1947; and Repealing Sections 32-2504 Through 32-2505.3 and 82A-709, R.C.M. 1947. (Senate Labor)
HOUSE BILL NO. 718 Introduced by Meloy	An Act Revising Definitions and Duties Under The Citizen Participation Law; Amending Sections 82-4227 and 82-4228, R.C.M. 1947. (Senate Judiciary)
HOUSE BILL NO. 790 Introduced by Curtiss, McLane	To Provide For The Regulation and Licensing of Estheticians. (Killed in Business and Industry - 2/23/77)

HOUSE BILL NO. 806

Introduced by Dassinger,
Brand, et al

Providing A Fine As An Alternative Penalty For Violation of Safety, Sanitation, and Shelter Regulations for Railroads.
(Killed in Business and Industry 2/24/77)

HOUSE JOINT RESOLUTION NO. 4

Introduced by Bradley

A Joint Resolution Of The Senate and The House Of Representatives of The State of Montana Urging The Department of Revenue To Apply Rule 42-2.8(1)-S8660 of The Montana Administrative Code in a Fair and Impartial Manner.
(Appropriations)

HOUSE JOINT RESOLUTION NO. 5

Introduced by Lory,
Scully

A Joint Resolution Of The Senate and The House of Representatives of The State of Montana Requesting The Attorney General To Revise and Update The Model Rules of Administrative Practice and Procedure.
(Signed by Speaker - 3/8/77
President signed 3/9/77)

HOUSE JOINT RESOLUTION NO. 7

Introduced by Johnston,
Mular, et al

A Joint Resolution Of The Senate And The House of Representatives of The State of Montana Directing An Amendment To Rule 16-2.14 (1)-S1490 Of The Montana Administrative Code, To Provide That No Permit Shall Be Issued For An Open Fire Or Open Burning Without The Prior Approval of a Fire Chief Or Other Appropriate Official.
(Senate Judiciary)

HOUSE JOINT RESOLUTION NO. 12

Introduced by Barrett

To Repeal The State Electrical Board Rule Relating To Registration of Apprentices.
(Killed on 3rd Reading - 2/7/77)

HOUSE JOINT RESOLUTION NO. 44

Introduced by Moore,
Fabrega, et al

To Delete Subsection of Montana Administrative Code Requiring A Completed Personal Data Form For Each Director, Administrator.
(Killed on Second Reading - 2/18/77)

- HOUSE JOINT RESOLUTION NO. 62 A Joint Resolution Calling For
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Introduced by Holmes,
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(Killed in Public Health - 2/
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- HOUSE JOINT RESOLUTION NO. 71 A Joint Resolution Of The Senate
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Environmental Sciences To Con-
duct a Study on The Regulation
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(Senate Natural Resources)
- HOUSE JOINT RESOLUTION NO. 77 A Joint Resolution of The Senate
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MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 3

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Hearing Contemplated

MONTANA ADMINISTRATIVE REGISTER

APRIL 25, 1977

NOTE:

The following pieces of legislation pertaining to the Montana Administrative Code have been introduced in the 45th Legislative Assembly. For your information the status of the legislation on April 14, 1977 was as follows:

Montana Administrative Code Commissioner

LEGISLATION	SUBJECT
SENATE BILL NO. 37 Introduced by: Turnage, Roskie - By request of Administrative Code Comm.	An Act Requiring Administrative Rules To Conform To Legislative Intent: Providing For The Documentation Of Some Legisla- tive Intent: (Rejected House Amendments 4/8/77)
SENATE BILL NO. 39 Introduced by Roskie- Turnage - By request of Administrative Code Comm.	Establishing a Standard Annual Renewal Fee For Professional And Occupational Licensing; Providing For The Payment of all Professional And Occupa- tional Licensing Revenue Into One Earmarked Account (Died in Business & Industry- 2/26/77)
SENATE BILL NO. 84 Introduced by Lowe - By request of the Department of Business Regulation	An Act Relating To The Stand- ards And The Regulation Of Manufacturing And Distribution Of Petroleum Products: Repeal- ing Chapter 2 of Title 60, R.C. M. 1947, in its entirety. (Governor signed 3/19/77)
SENATE BILL NO. 101 Introduced by Jergenson, Brown, Turnage & Murphy	An Act To Require Legislative Approval of Administrative Rules Before Such Rules To Which An Objection Has Been

Filed By A Legislator Take
Permanent Effect.
(Conference Committee)

SENATE BILL NO. 120
Introduced by Story

An Act To Provide For The Suspension Of An Administrative Rule During The Interim Between Legislative Sessions By Mail Ballot Of All Members Of The Legislature; Amending Section 82-4207, R.C.M. 1947.
(Enrolling)

SENATE BILL NO. 197
Introduced by E. Smith
Kolstad, et al

An Act To Change The Name Of The Wheat Research And Marketing Committee To Grain Research And Marketing Committee; To Provide For Election Rather Than Appointment Of Members Of The Committee; To Provide For Audit Of The Funds Of The Committee; And To Provide For Employment Of An Administrator; Enacting Sections 3-2905.1 Through 3-2905.7 and 3-2921, R.C.M. 1947.
(Killed in House State Administration 3/17/77)

SENATE BILL NO. 198
Introduced by Murry et al -
by request of the Department of Community Affairs

An Act Requiring Local Governing Bodies To Adopt Land Use Regulations For Airport Influence Areas; Requiring The Department of Community Affairs To Identify Airport Influence Areas and Establish Criteria Within These Areas; Repealing Sections 1-701 through 1-723, R.C.M. 1947.
(Rejected House Amendments 4/11/77)

SENATE BILL NO. 221
Introduced by Etchart,
McCallum et al

An Act to Repeal Sections 66-3701 through 66-3712, R.C.M. 1947, Which Provide For Licensure of Radiologic Technicians, And To Repeal Sections 82A-1602 28, R.C.M. 1947, Which Provides For The Board of Radiologic Technologists.
(House Public Health)

SENATE BILL NO. 259
Introduced by Watt

Amending The Milk Control Act
By Abolishing Controlled Wholesale
And Retail Prices For Milk.
(Senate - Killed in Agriculture
2/19/77)

SENATE BILL NO. 270
Introduced by Blaylock -
by Request of the Department
of Professional and Occupational
Licensing

An Act To Provide For Deletion
Of Price Agreements And Approval
By The Board of Cosmetologists;
To Provide For A Temporary License
For A Cosmetological Establishment
For A Limited Period And Until
Inspection Is Made; To Provide
That The Board Of Cosmetologists
May Provide For a 2- Or 3- Year
Renewal And That The Renewal Date
May Be Changed By Rule For The
Manager-Operator And Salon Owner
Category And Placing Limits On
The Renewal Fee; And To Provide
For Increased Late Renewal Fees.
(Governor signed 4/5/77)

SENATE BILL NO. 277
Introduced by Flynn - by
request of the Department
of Professional and Occupational
Licensing

An Act To Revise The Horse
Racing Law To Provide Authority
For The Board of Horse Racing
To Deny An Application For
Relicensure For Up To 2 Years
For Violation Of The Law Or
Rules And Orders Of The Board;
And To Provide That A Race Meet
Licensee Shall Pay To Montana-
Bred Winners 10% Of Only That
Part Of The Winner's Purse That
The Race Meet License Has
Contributed; Amending Sections
62-508 And 62-509, R.C.M. 1947.
(Governor signed 4/5/77)

SENATE BILL NO. 281
Introduced by Etchart et al

An Act To Further Regulate
The Use Of Snare Traps; Amending
Sections 26-504, R.C.M. 1947.
(Governor signed 3/29/77)

SENATE BILL NO. 302
Introduced by Roskie,
Turnage, Manley - By request
of the Administrative Code
Committee

An Act To Amend The Montana
Environmental Policy Act To
Specify That The Act Does Not
Expand The Substantive Decision-
Making Authority Of State
Agencies; Deleting The
Requirements That An
Environmental Impact State-

ment Be Prepared On Rules And Legislation; Authorizing The Environmental Quality Council To Review Legislation And Advise The Legislature Of Potential Environmental Impacts; Requiring State Agencies To Hold A Public Hearing On A Proposed Rule Under The Montana Administrative Procedure Act When It Has Been Determined That The Proposed Rule Would Constitute A Major State Action Having A Significant Impact On The Human Environment; and Amending Section 69-6504, R.C.M. 1947. (Rejected House Amendments 4/12/77)

SENATE BILL NO. 323
Introduced by Mehrens -
by request

An Act To Regulate The Establishment, Operation, and Use Of Electronic Funds Transfer Systems.
(Died in Business & Industry-
2/26/77)

SENATE BILL NO. 353
Introduced by Hager

Redefining The Term "Trailer Courts" For Purpose of Regulation.
(Killed in Local Government -
3/11/77)

SENATE BILL NO. 369
Introduced by Thomas,
Mehrens

Placing Further Restrictions On Applications For The Prisoner Furlough Program.
(Senate Killed in Judiciary -
2/15/77)

SENATE BILL NO. 386
Introduced by Murray,
Devine, et al

An Act To Regulate The Relationship between New Motor Vehicle Dealers And New Motor Vehicle Manufacturers, Distributors, and Importers; Providing For The Licensing Of New Motor Vehicle Manufacturers, Distributors, and Importers; Providing For Administration By The Department of Justice; Providing For The Regulation and Review Of Transactions between New Motor Vehicle Dealers And New Motor Vehicle Manufacturers, Distribu-

tors, and Importers; Providing For The Limitation Of New Motor Vehicle Dealer's Products Liability; Providing For Notice, Hearing, And New Motor Vehicle Manufacturers, Distributors, and Importers Prohibiting Coercion Of New Motor Vehicle Dealers; And Providing For Civil And Criminal Penalties.
(Governor)

SENATE BILL NO. 389
Introduced by Fasbender,
Stephens

An Act To Repeal The Sections Establishing The Educational Broadcasting Commission And Its Duties; To Provide That The Department of Administration Shall Foster The Development Of New Communication Systems; Amending Sections 82-3325, R.C.M. 1947; Repealing Sections 75-9001 through 75-9004 and 82A-511, R.C.M. 1947; Providing An Immediate Effective Date.
(Governor signed 4/8/77)

SENATE BILL NO. 401
Introduced by Lowe, Flynn

An Act Providing For The Consolidation Of Administrative Functions Regarding Building Codes; Providing For Promulgation Of Codes By The Department of Administration; Amending Sections 66-2416, 66-2417, 66-2427, 66-2802, 66-2804.1, 69-2105, 69-2111, 69-2112, 69-2124, 75-8206, 75-8207, 82-1202, 82-1202.1, 82-1208, 82-1229, 82-1232 and 82A-1607, R.C.M. 1947 And Repealing Sections 69-4117 and 69-5507, R.C.M. 1947.
(Rejected House Amendments 4/11/77)

SENATE BILL NO. 406
Introduced by Jergeson

An Act To Establish Rules Regarding Evidence In Hearings Of Contested Cases Before The Public Service Commission.
(Senate Killed on 2nd Reading - 2/18/77)

SENATE BILL NO. 412
Introduced by Regan,
Fasbender

Abolishing The Administrative
Office of Division Of Motor
Vehicle Registration.
(Died in Highways - 2/26/77)

SENATE BILL NO. 425
Introduced by Boyland
by request

Revising License Renewal Pro-
visions Relating To The Practice
of Chiropractic.
(Enrolling)

SENATE BILL 433
Introduced by R. Smith,
Lee, et al

Providing For Specialty Licenses
For Heating, Ventilation and
Air Conditioning Work.
(House Killed in Business and
Industry 4/1/77)

SENATE BILL NO. 440
Introduced by Fasbender,
Roberts, et al

An Act To Improve And Maintain
Quality Transportation Services
In Montana By Creation Of A
Department Of Transportation
And A Transportation Commission:
Transferring All State Trans-
portation Functions To The
Department Or The Commission:
(House Killed on 2nd Reading
3/29/77)

SENATE JOINT RESOLUTION NO. 8
Introduced by Murray,
Devine, et al

A Joint Resolution Of The Senate
And The House of Representatives
of The State Of Montana Direct-
ing An Amendment To Rule 40-3.54
(14)-S54050 Of The Montana
Administrative Code To Permit
A Licensed Acupuncturist To
Treat A Patient With Acupuncture
Without The Requirement That A
Person Licensed To Practice
Medicine And Surgery In The
State Of Montana First Have
Prescribed Acupuncture Treatment
For The Patient.
(President signed 3/29/77 and
Signed by Speaker 3/30/77)

HOUSE BILL NO. 58
Introduced by Holmes

To Extend The Provisions Of The
State Building Code To Cover
Private Residential Buildings
In Compliance With Safety Regu-
lations Contained In The State
Building Code.
(Killed in Business and Indust-
ry - 2/2/77)

HOUSE BILL NO. 65

Introduced by Scully, Lory,
et al - by request of the
Administrative Code Comm.

An Act To Create The Position
Of Administrative Law Judge
And a Division of Administra-
tive Adjudication; Providing
For An Administrative Law Judge
To Hear Contested Cases Before
Professional And Occupational
Licensing Boards; Appropriating
Moneys; Amending Section 82A-
1604, R.C.M. 1947.
(Killed in Appropriations - 4/
2/77)

HOUSE BILL NO. 77

Introduced by Barrett, Lory;
et al - by request of the
Administrative Code Comm.

An Act For The General Revision
of The Laws Relating To Admin-
istrative Procedure; Amending
Sections 82-4201 Through 82-4208,
82-4212, 82-4213, 82-4215, 82-
4216, 82-4217, 82-4220 Through
82-4223, 82-4227 Through 82-
4229 and 82A-107, R.C.M. 1947.
(Governor signed 4/5/77)

HOUSE BILL NO. 230

Introduced by Gerke

An Act To Transfer The Admin-
istration Of The Board Of Hous-
ing From The Department Of
Community Affairs To The Depart-
ment of Administration; Amend-
ing Section 35-503 and Renum-
bering Section 82A-907, R.C.M.
1947.
(Governor signed 3/29/77)

HOUSE BILL NO. 234

Introduced by Johnston,
J. Gunderson, et al

An Act To Amend The Law Relating
To Grain Standards, Storage, and
Inspection and Regulation Of
Grain Warehousemen; Amending
Sections 3-209, 3-227, 3-228.1,
3-228.2, R.C.M. 1947.
(Governor signed 3/18/77)

HOUSE BILL NO. 236

Introduced by Harper - by
request of the Department
of Health and Environmental
Sciences

An Act To Amend Title 69, Chapter
41, R.C.M. 1947, Conferring Gen-
eral Powers and Duties Upon The
Board and Department Of Health
and Environmental Sciences;
Authorizing The Department To
Adopt Rules For The Assessment
Of Fees In Performing Laboratory
Services; Authorizing The De-
partment To Bring Action For
Injunctive Relief When A Public

Health Law, Rule, Or Order Adopted or Issued As Authorized By Law Has Been Violated; Amending Sections 69-4110 and 69-411, R.C.M. 1947.
(Governor signed 4/5/77)

HOUSE BILL NO. 238
Introduced by Robbins,
Hurwitz, et al

To Establish Procedures For Fixing and Reviewing Rates Charged By Municipalities For Service From Municipally Owned Water and Sewer Systems.
(Senate Killed in Judiciary 3/25/77)

HOUSE BILL NO. 246
Introduced by Barrett,
Johnson, et al

An Act To Provide The Department of Agriculture Authority To Adopt Rules Concerning Rural Rehabilitation.
(Signed by the Governor 3/14/77)

HOUSE BILL NO. 255
Introduced by Cooney,
Palmer, et al

An Act Amending Section 69-2110, R.C.M. 1947, To Require The State Building Code To Set Standards Assuring Accessibility By Handicapped and Elderly People To Buildings Designed Primarily For Use By The Public and To The Facilities Within Those Buildings.
(Public Health)

HOUSE BILL NO. 257
Introduced by Dussault,
Ellis, et al

To Provide For The Licensing of Persons In Montana Representing Themselves As Certified Social Workers.
(Killed on Second Reading 2/14/77)

HOUSE BILL NO. 328
Introduced by Menahan - by request of The Department of Administration

An Act To Change The Name of The Board of Administration Of The Department of Administration To The "Public Employees" Retirement Board, and The Montana Judges' Retirement Board; Amending Sections 68-1401, 68-1405, 82A-210, and 93-1107, R.C.M. 1947; Repealing Sections 82A-210.1 and 82A210.2 R.C.M. 1947; Providing an Effective Date.
(Governor signed 3/25/77)

HOUSE BILL NO. 341
Introduced by Dussault,
Manuel, et al

To Prescribe The Methods of
Testing For Brucellosis Which
May Be Adopted By The Depart-
ment of Livestock.
(Killed in Agriculture - 2/19/77)

HOUSE BILL NO. 350
Introduced by Kimble,
Palmer, et al

An Act Creating The Department
of Aging Within The Executive
Branch of Montana State Govern-
ment; Providing For The Func-
tions, Powers, Duties, and
Responsibilities of The Depart-
ment; Transferring Functions To
The Department From the Depart-
ment of Social and Rehabilita-
tion Services and The Department
of Institutions.
(Killed in Appropriations - 4/
2/77)

HOUSE BILL NO. 360
Introduced by Cooney
Palmer, et al

An Act Providing For The Licen-
sing and Regulation of Home
Health Agencies In Montana by
The Department of Health and
Environmental Sciences.
(Enrolled)

HOUSE BILL NO. 395
Introduced by Quillici,
Vincent, Meloy

An Act To Clarify That The
Consumer Counsel Has Discovery
Powers In Contested Cases That
Arise Before Any Administrative
Agency of The State of Montana.
(Governor signed 3/25/77)

HOUSE BILL NO. 396
Introduced by Quillici,
Vincent, Fabrega

An Act To Mandate The Public
Service Commission To Adopt
Rules of Practice and Procedure
For Rate Cases.
(Governor signed 3/25/77)

HOUSE BILL NO. 430
Introduced by Hirsch,
Fagg, et al

An Act Clarifying and Revising
The Provision Dealing With
Adoption of The State Building
Code, Fixing Dates By Which
Energy Conservation Rules Must
Be Drafted, Heard, Adopted,
Published and Implemented.
(Governor signed 3/29/77)

HOUSE BILL NO. 446
Introduced by Pistoria,
O'Connell

An Act To Authorize The Public
Service Commission To Regulate
Sewerage Services Rates; Defin-

ing a Public Utility To Include
Sewerage Services.

(Killed on Second Reading 4/12/
77)

HOUSE BILL NO. 477
Introduced by Huennekens

An Act To Amend Sections 89-318,
89-320, and 89-322, R.C.M. 1947
To Provide That The Department
of Natural Resources and Conser-
vation Rather Than The Applicant
For A Weather Modification Per-
mit Shall Publish The Notice of
Intention; And Providing An
Immediate Effective Date.
(Governor Signed 3/18/77)

HOUSE BILL NO. 530
Introduced by Menahan

An Act To Provide For The Re-
gulation of Persons and Organi-
zations Owning, Controlling,
Operating, and Managing Cable
Television Systems; Amending
Section 70-103, R.C.M. 1947, To
Include Cable Television Systems
In The Definition of Public
Utility; And Amending Section
70-119, R.C.M. 1947, To Require
Hearings on Complaints Against
Cable Television Companies.
(Business and Industry)

HOUSE BILL NO. 534
Introduced by Brand,
Mular, et al

To Abolish The Department of
Institutions.
(Killed on Third Reading - 2/
26/77)

HOUSE BILL NO. 535
Introduced by Williams,
Aageson, et al

An Act Amending Section 3-208,
R.C.M. 1947, Relating To Charges
Of Public Warehousemen For Hand-
ling, Cleaning and Storage of
Grain, To Place Applicable Re-
gulatory and Ratemaking Author-
ity in The Department of Agri-
culture; And Providing An Immed-
iate Effective Date.
(Governor signed 3/29/77)

HOUSE BILL NO. 538
Introduced by Nathe, Day

To Regulate The Exercise of The
Power of Eminent Domain By
Certain Persons.
(Killed on Second Reading -
2/25/77)

HOUSE BILL NO. 542
Introduced by Hirsch - by
request of The Governor's
Office

An Act Amending Section 70-806
R.C.M. 1947, Providing For The
Filing of a 1-Year Notice of
Intention To File An Applica-
tion For A Certificate Under
The Major Facility Siting Act.
(Governor signed 3/29/77)

HOUSE BILL NO. 606
Introduced by Waldron

An Act Defining All-Terrain
Vehicle, Requiring Registration
of Such Vehicles, Providing For
An Annual Use Permit, And Es-
tablishing Operation and Safety
Requirements For Such Vehicles.
(Taxation)

HOUSE BILL NO. 610
Introduced by Manuel

To Provide For or Change Fees
and Registration For Applicants
of The Boards of The Department
of Professional and Occupational
Licensing.
(Senate Amendments Second Read-
ing)

HOUSE BILL NO. 650
Introduced by Scully,
Tropila

An Act Amending Section 53-118,
R.C.M. 1947, To Provide For
Regulation Of Motor Vehicle And
Trailer Dealers; Defining The
Acquisition And Use of Dealer
License Plates.
(Enrolling)

HOUSE BILL NO. 661
Introduced by Bardanouve,
Huennekens, Meloy

An Act Revising The Application,
Study and Hearing Procedures
Under The Major Facility Siting
Act; Defining Need; Providing
For A Siting Inventory; Pro-
viding For Forecasting The De-
mand For Energy; and Broadening
The Scope of The Penalty Pro-
vision; Amending Sections 70-
803 Through 70-811, 70-820 and
70-821, R.C.M. 1947; And Repeal-
ing Sections 70-825 Through 70-
829, R.C.M. 1947.
(Killed on Second Reading 4/4/77)

HOUSE BILL NO. 665
Introduced by Holmes,
Lynch, et al

An Act To Provide Flexibility
To The Department of Social and
Rehabilitation Services In
Administering Energy Assistance

Programs.
(Natural Resources)

HOUSE BILL NO. 681
Introduced by Waldron

To Exclude Retailers From Many of The Provisions of The Montana Cigarette Sales Act and To Transfer The Administration of That Act To The Department of Business Regulation.
(Killed in Taxation - 2/26/77)

HOUSE BILL NO. 700
Introduced by Brand,
Bradley et al

An Act Concerning Public Employment Relation, Renaming The Merit System Council And The Board of Personnel Appeals, Transferring Certain Functions, and Requiring The Establishment of A Grievance Procedure; Amending Sections 59-914, 59-1602, 59-1603, 82A-206, and 82A-1014, R.C.M. 1947; and Repealing Sections 32-2504 Through 32-2505.3 and 82A-709, R.C.M. 1947.
(Senate Killed on Second Reading 4/7/77)

HOUSE BILL NO. 718
Introduced by Meloy

An Act Revising Definitions and Duties Under The Citizen Participation Law; Amending Sections 82-4227 and 82-4228, R.C.M. 1947.
(Enrolling)

HOUSE BILL NO. 790
Introduced by Curtiss,
McLane

To Provide For The Regulation and Licensing of Estheticians
(Killed in Business and Industry 3/23/77)

HOUSE BILL NO. 806
Introduced by Dassinger,
Brand, et al

Providing A Fine As An Alternative Penalty For Violation of Safety, Sanitation, and Shelter Regulations for Railroads.
(Killed in Business and Industry 2/24/77)

HOUSE JOINT RESOLUTION NO. 4
Introduced by Bradley

A Joint Resolution Of The Senate and The House of Representatives Of The State of Montana Urging The Department of Revenue To Apply Rule 42-2.8(1)-S8660 of The Montana Administrative Code in a Fair and Impartial Manner.

(Killed in Appropriations
4/2/77)

- HOUSE JOINT RESOLUTION NO. 5 A Joint Resolution Of The Senate
Introduced by Lory, Scully and The House of Representatives
of The State of Montana Request-
ing The Attorney General To
Revise and Update The Model Rules
of Administrative Practice and
Procedure.
(Signed by Speaker - 3/8/77
President signed 3/9.77)
- HOUSE JOINT RESOLUTION NO. 7 A Joint Resolution Of The Senate
Introduced by Johnston, And The House of Representatives
Mular, et al of The State of Montana Direct-
ing An Amendment To Rule 16-2.14
(1)-Sl490 Of The Montana Admin-
istrative Code, To Provide That
No Permit Shall Be Issued For
An Open Fire Or Open Burning
Without The Prior Approval of a
Fire Chief Or Other Appropriate
Official.
(Senate Judiciary)
- HOUSE JOINT RESOLUTION NO. 12 To Repeal The State Electrical
Introduced by Barrett Board Rule Relating To Regis-
tration of Apprentices.
(Killed on Third Reading 2/7/77)
- HOUSE JOINT RESOLUTION NO. 44 To Delete Subsection of Montana
Introduced by Moore, Administrative Code Requiring A
Fabrega, et al Completed Personal Data Form
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(Killed on Second Reading 2/18/
77)
- HOUSE JOINT RESOLUTION NO. 62 A Joint Resolution Calling For
Introduced by Holmes, A Study Of The Practice Of
Menahan, Dussault Psychology and The Licensing of
Psychologists.
(Killed in Public Health 2/19/
77)
- HOUSE JOINT RESOLUTION NO. 71 A Joint Resolution Of The Senate
Introduced by Nathe and The House of Representatives
of The State of Montana Direct-
ing The Department of Health
and Environmental Sciences To
Conduct a Study on The Regula-
tion of Solution Mining of Pot-

(14)

ash and To Present Recommendations and Legislation For Such Regulation To The 46th Legislature.
(Enrolling)

HOUSE JOINT RESOLUTION NO. 77
Introduced by Brand, Mular

A Joint Resolution of The Senate and The House of Representatives of The State of Montana Directing The Public Service Commission To Publish Certain Railroad Rules in The Montana Administrative Code.
(Senate Highways)

4-4/25/77

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 4

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MONTANA ADMINISTRATIVE REGISTER

MAY 25, 1977

NOTE:

The following pieces of legislation pertaining to the Montana Administrative Code have been introduced in the 45th Legislative Assembly. For your information the status of the legislation since April 19, 1977, is as follows:

Montana Administrative Code Commissioner

LEGISLATION	SUBJECT
SENATE BILL NO. 37 Introduced by: Turnage, Roskie - By request of Administrative Code Comm.	An Act Requiring Administrative Rules To Conform To Legislative Intent: Providing For The Documentation Of Some Legisla- tive Intent. (Signed by Governor)
SENATE BILL NO. 101 Introduced by Jergenson, Brown, Turnage & Murphy	An Act To Require Legislative Approval of Administrative Rules Before Such Rules To Which An Objection Has Been Filed By A Legislator Take Permanent Effect. (Died in Conference Committee 4/19/77)
SENATE BILL NO. 120 Introduced by Story	An Act to Provide For The Sus- pension Of An Administrative Rule During The Interim Between Legislative Sessions By Mail Ballot Of All Members Of The Legislature; Amending Section 82-4207, R.C.M. 1947. (Signed by Governor)
SENATE BILL NO. 198 Introduced by Murry et al by request of the Depart- ment of Community Affairs	An Act Requiring Local Governing Bodies To Adopt Land Use Reg- ulations For Airport Influence Areas; Requiring the Depart- ment of Community Affairs To

Identify Airport Influence
Areas And Establish Criteria
Within These Areas; Repealing
Sections 1-701 through 1-723
R.C.M. 1947.
(Signed by Governor)

SENATE BILL NO. 221
Introduced by Etchart,
McCallum et al

An Act To Repeal Sections 66-
3701 Through 66-3712, R. C.M.
1947, Which Provide For Licen-
sure Of Radiologic Technicians,
And To Repeal Sections 82A-1602
28, R. C. M. 1947, Which Provides
For The Board of Radiologic
Technologists.
(Died in House Public Health
4/19/77)

SENATE BILL NO. 302
Introduced by Roskie,
Turnage, Manley - By re-
quest of the Administra-
tive Code Committee

An Act To Amend The Montana En-
vironmental Policy Act To Speci-
fy That The Act Does Not Expand
The Substantive Decision-Making
Authority Of State Agencies;
Deleting The Requirements That
An Environmental Impact State-
ment Be Prepared on Rules And
Legislation; Authorizing The
Environmental Quality Council
To Review Legislation And Ad-
vise The Legislature of Potent-
ial Environmental Impacts; Re-
quiring State Agencies To Hold
A Public Hearing On A Proposed
Rule Under The Montana Admin-
istrative Procedure Act When
It Has Been Determined That The
Proposed Rule Would Constitute
A Major State Action Having A
Significant Impact On The
Human Environment; and Amending
Section 69-6504, R.C.M. 1947.
(Died in Conference Committee
4/19/77)

SENATE BILL NO. 386
Introduced by Murray,
Devine, et al

An Act To Regulate The Relation-
ship Between New Motor Vehicle
Dealers And New Motor Vehicle
Manufacturers, Distributors, and
Importers; Providing For The
Licensing Of New Motor Vehicle
Manufacturers, Distributors, and

Importers; Providing For Administration by The Department Of Justice; Providing For The Regulation and Review Of Transactions Between New Motor Vehicle Dealers and New Motor Vehicle Manufacturers, Distributors, and Importers; Providing For The Limitation Of New Motor Vehicle Dealer's Products Liability; Providing For Notice, Hearing, And New Motor Vehicle Manufacturers, Distributors, And Importers Prohibiting Coercion of New Motor Vehicle Dealers; And Providing For Civil And Criminal Penalties.
(Signed by Governor 4/15/77)

SENATE BILL NO. 401
Introduced by Lowe, Flynn

An Act Providing For The Consolidation of Administrative Functions Regarding Building Codes; Providing For Promulgation of Codes By The Department of Administration; Amending Sections 66-2416, 66-2417, 66-2427, 66-2802, 66-2804.1, 69-2105, 69-2111, 69-2112, 69-2124, 75-8206, 75-8207, 82-1202, 82-1202.1, 82-1208, 82-1229, 82-1232 and 82A-1607, R.C.M. 1947 And Repealing Sections 69-4117 And 69-5507, R.C.M. 1947.
(Signed by Governor)

SENATE BILL NO. 425
Introduced by Boyland
by request

Revising License Renewal Provisions Relating To The Practice Of Chiropractic.
(Signed by Governor)

HOUSE BILL NO. 22
Introduced by Kvaalen

To Extend Validity of Consent Of Minors To Abortion In Conformance With The Montana Abortion Control Act.
(Senate Killed On 2nd Reading 3/3/77)

HOUSE BILL NO. 255
Introduced by Cooney,
Palmer, et al

An Act Amending Section 69-2110, R.C.M. 1947, To Require The State Building Code To Set

Standards Assuring Accessibility
By Handicapped and Elderly
People To Buildings Designed
Primarily For Use By The Public
And To The Facilities Within
Those Buildings.
(Died in Committee)

HOUSE BILL NO. 360
Introduced by Cooney
Palmer, et al

An Act Providing For The Licen-
sing and Regulation Of Home
Health Agencies In Montana By
The Department of Health And
Environmental Sciences.
(Died in Committee)

HOUSE BILL NO. 530

An Act To Provide For The Re-
gulation Of Persons And Organi-
zations Owning, Controlling,
Operating, And Managing Cable
Television Systems; Amending
Section 70-103, R.C.M. 1947, To
Include Cable Television Systems
In The Definition Of Public
Utility; And Amending Section
70-119, R.C.M. 1947, To Require
Hearings On Complaints Against
Cable Television Companies.
(Died in Committee)

HOUSE BILL NO. 606
Introduced by Waldron

An Act Defining All-Terrain
Vehicle, Requiring Registration
Of Such Vehicles, Providing For
An Annual Use Permit, And Es-
tablishing Operation And Safety
Requirements For Such Vehicles.
(Died in Committee)

HOUSE BILL NO. 610
Introduced by Manuel

To Provide For Or Charge Fees
And Registration For Applicants
Of The Boards Of The Department
Of Professional and Occupational
Licensing.
(Signed by Governor)

HOUSE BILL NO. 650
Introduced by Scully,
Tropila

An Act Amending Section 53-118,
R.C.M. 1947, To Provide For
Regulation Of Motor Vehicle and
Trailer Dealers; Defining The
Acquisition And Use Of Dealer
License Plates.
(Signed by Governor)

HOUSE BILL NO. 665
Introduced by Holmes,
Lynch, et al

An Act To Provide Flexibility
To The Department Of Social
And Rehabilitation Services In
Administering Energy Assistance
Programs.
(Died in Committee)

HOUSE BILL NO. 718
Introduced by Meloy

An Act Revising Definitions And
Duties Under The Citizen Parti-
cipation Law; Amending Sections
82-4227 And 82-4228, R.C.M.
1947.
(Governor Signed 4/19/77)

HOUSE BILL NO. 759
Montana Water

To Reimburse The Department Of
Natural Resources For Its Costs
In Administering Floodplain And
Floodway Minimum Standards.
(Signed 4/4/77)

HOUSE JOINT RESOLUTION No. 7
Introduced by Johnston,
Mular, et al

A Joint Resolution Of The Senate
And The House Of Representatives
Of The State Of Montana Direct-
ing An Amendment To Rule 16-2.14
(1)-S1490 Of The Montana Admin-
istrative Code, To Provide That
No Permit Shall Be Issued For
An Open Fire Or Open Burning
Without The Prior Approval Of
A Fire Chief Or Other Appropri-
ate Official.
(Signed by Speaker 4/18/77
Signed By President 4/18/77)

HOUSE JOINT RESOLUTION NO. 71
Introduced by Nathe

A Joint Resolution Of The Senate
And The House Of Representatives
Of The State Of Montana Direct-
ing The Department Of Health
and Environmental Sciences to
Conduct A Study On The Regula-
tion Of Solution Mining Of Pot-
ash And To Present Recommenda-
tions And Legislation For Such
Regulation To The 46th Legis-
lature.
(Died in Committee)

HOUSE JOINT RESOLUTION NO. 77
Introduced by Brand,
Mular

A Joint Resolution Of The Senate
And The House Of Representatives
Of The State Of Montana Direct-
ing The Public Service Commis-

(6)

sion to Publish Certain Railroad Rules In The Montana Administrative Code.
(Died in Committee)

HOUSE JOINT RESOLUTION NO. 101
Problems of Elderly Sub-Committee

Repealing The State Department Of Social And Rehabilitation Services Amendment To Rule Of The Montana Administrative Code Relating To Medical Assistance And Nursing Home Care Provider Reimbursement.
(Died in Committee)

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<u>NEW</u>	<u>38-2.14(6)-S14620</u> <u>WORKING PAPERS FOR</u> <u>CLAIMED ALLOWANCES FOR</u> <u>STATE OR PROVINCIAL INCOME</u> <u>TAXES</u>	38-58S
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Title 2

Administration

BEFORE THE DEPARTMENT OF ADMINISTRATION
ARCHITECTURE AND ENGINEERING DIVISION
OF THE
STATE OF MONTANA

In the matter of the Amendment of Rules MAC 2-2.10(6)-S10130, MAC 2-2.10(6)-S10140, MAC 2-2.10(6)-S10150, MAC 2-2.10(6)-S10190 relating to the adoption of the latest edition of these model codes and raising the elevator inspection fees.) NOTICE OF PUBLIC HEARING FOR AMENDMENT of Rules MAC 2-2.10(6)-S10130 Incorporation by Reference of Uniform Building Code; MAC 2-2.10(6)-S10140 Incorporation by Reference of Uniform Mechanical Code; MAC 2-2.10(6)-S10150 Incorporation by Reference of Uniform Housing Code; MAC 2-2.10(6)-S10160 Incorporation by Reference of Uniform Code for the Abatement of Dangerous Buildings; MAC 2-2.10(6)-S10190 Incorporation by Reference of NFPA 501C, Standard for Recreational Vehicles.
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1. On March 11, 1977, at 9:30 a.m., a public hearing will be held in the Commission room of the Highway Building, Helena, Montana, to consider the amendment of rules MAC 2-2.10(6)-S10130 Incorporation by Reference of Uniform Building Code; MAC 2-2.10(6)-S10140 Incorporation by Reference of Uniform Mechanical Code; MAC 2-2.10(6)-S10150 Incorporation by Reference of Uniform Housing Code; MAC 2-2.10(6)-S10160 Incorporation by Reference of Uniform Code for the Abatement of Dangerous Buildings; MAC 2-2.10(6)-S10190 Incorporation by Reference of NFPA 501C, Standard for Recreational Vehicles.

2. The proposed amendments are for the purpose of adopting the 1976 edition, of these publications, as well as to amend the model codes so as to make them enforceable by state government. Presently the 1973 edition of these model codes are in affect.

3. The above rules are to be amended as follows:
Rule MAC 2-2.10(6)-S10130, Subsection (1), as proposed to be amended to read:
'2-2.10(6)-S10130 INCORPORATION BY REFERENCE OF UNIFORM BUILDING CODE (1) ~~The Construction and Maintenance Architecture and Engineering Division of the Department of Administration adopts and incorporates by reference herein the Uniform Building Code 1973 1976 edition, together with the 1974 Supplement to the Uniform Building Code and Appendix Chapter 23 (Weights and Building Materials), Appendix Chapter 48 (Photographic and X-Ray Films), Appendix Chapter 49 (Patio Covers), and~~

Appendix Chapter 51 (Elevators, Dumbwaiters, Escalators, and Moving Walks), as amended, with the following amendment thereto:

(a) Any reference made to "city" or "municipality" will also be considered to be reference to the "state."

(b) The annual certificates of inspection fees in Sec. 5108, p. 671 of Appendix Chapter 51 shall be as follows:

For Each Elevator	\$50
For Each Escalator	
And Moving Walk	\$30
For Each Commercial Dumbwaiter	\$25

Rule MAC 2-2.10(6)-S10140, Subsection (1), as proposed to be amended to read:

'2-2.10(6)-S10140 INCORPORATION BY REFERENCE OF UNIFORM MECHANICAL CODE (1) The ~~Construction and Maintenance~~ Architecture and Engineering Division of the Department of Administration adopts and incorporates by reference herein the Uniform Mechanical Code, ~~1973~~ 1976 edition as amended, with the following amendment thereto:

(a) Any reference made to "city" or "municipality" will also be considered to be reference to the "state."

Rule MAC 2-2.10(6)-S10150, Subsection (1), is proposed to be amended to read:

'2-2.10(6)-S10150 INCORPORATION BY REFERENCE OF UNIFORM HOUSING CODE (1) The ~~Construction and Maintenance~~ Architecture and Engineering Division of the Department of Administration adopts and incorporates by reference herein the Uniform Housing Code, ~~1973~~ 1976 edition ~~together with the 1974 Supplement to the Uniform Housing Code~~, as amended, with the following amendment thereto:

(a) Any reference made to "city" or "municipality" will also be considered to be reference to the "state."

Rule MAC 2-2.10(6)-S10160, Subsection (1), as proposed to be amended to read:

'2-2.10(6)-S10160 INCORPORATION BY REFERENCE OF UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (1) The ~~Construction and Maintenance~~ Architecture and Engineering Division of the Department of Administration adopts and incorporates by reference herein the Uniform Code for the Abatement of Dangerous Buildings, ~~1973~~ 1976 edition with the following amendment thereto:

(a) Any reference made to "city" or "municipality" will also be considered to be reference to the "state."

(3)


Rule MAC 2-2.10(6)-S10190, Subsection (1), as proposed to be amended to read:

'2-2.10(6)-S10190 INCORPORATION BY REFERENCE OF NFPA 501C, STANDARD FOR RECREATIONAL VEHICLES (1) The ~~Construction and Maintenance~~ Architecture and Engineering Division of the Department of Administration adopts and incorporates by reference herein the NFPA 501C, Standards for Recreational Vehicles, ~~1972~~ 1974 edition.

4. Interested persons may present their data, views or arguments whether orally or in writing at the hearing.


5. J. Michael Young, Administrator, Insurance and Legal Division, Capitol Station, Helena, Montana, 59601 has been designated by the Director of the Department of Administration to preside over and conduct the hearing.

6. The authority of the Department to make the proposed amendment is based on Sec. 69-2111, R.C.M. 1947.


Jack C. Crosser
Director

Department of Administration

Certified to the Secretary of State February 9, 1977.

2-2/25/77 

MAC Not. No. 2-2-6

BEFORE THE DEPARTMENT OF ADMINISTRATION
ARCHITECTURE AND ENGINEERING DIVISION
OF THE
STATE OF MONTANA

In the matter of the repeal) NOTICE OF PUBLIC HEARINGS
of the adoption of the one) FOR REPEAL OF RULES MAC
and two family dwelling code) 2-2.10(6)-S10170 Incorporation
and regulations relating to) by Reference of One and Two
mobile homes.) Family Dwelling Code Accumu-
) lative Supplement; MAC 2-2.10
) (6)-S10180 Incorporation by
) Reference of NFPA 501B,
) Standard for Mobile Homes;
) MAC 2-2.10(6)-S10240 Require-
) ments for Footings, Piers,
) Caps and Shims.

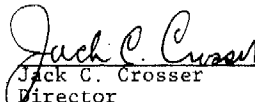
1. On March 11, 1977, at 9:30 a.m., a public hearing will be held in the Commission room of the Highway Building, Helena, Montana, to consider the repeal of Rules MAC 2-2.10(6)-S10170 Incorporation by Reference of One and Two Family Dwelling Code Accumulative Supplement; MAC 2-2.10(6)-S10180 Incorporation by Reference of NFPA 501B, Standard for Mobile Homes; MAC 2-2.10(6)-S10240 Requirements for Footings, Piers, Caps and Shims.

2. The rules for consideration for repeal are found in pages 2-26.8 and 2-26.12 thru 2-26.13 respectively of the Montana Administrative Code.

3. Interested persons may present their data, views or arguments whether orally or in writing at the hearing.

4. J. Michael Young, Administrator, Insurance and Legal Division, Capitol Station, Helena, Montana, 59601, has been designated by the Director of the Department of Administration to preside over and conduct the hearing.

5. The authority of the Department to repeal the rule is based on Sec. 69-2111, R.C.M. 1947.


Jack C. Crosser
Director

Department of Administration

Certified to the Secretary of State February 9, 1977

BEFORE THE DEPARTMENT OF ADMINISTRATION
ARCHITECTURE AND ENGINEERING DIVISION
OF THE
STATE OF MONTANA

In the matter of the Amend-) NOTICE OF PUBLIC HEARING FOR
ment of Rules to remove) AMENDMENT of Rules MAC 2-2.10
reference to mobile homes,) (6)-S10200 Incorporation by
remove waiting period for) Reference of American National
posting "Prohibited Sales) Standard Safety Code for Eleva-
Notice" and raise fees for) tors, Dumbwaiters, Escalators
recreation vehicles and) and Moving Walks, ANSI A17.1;
factory-built buildings.) MAC 2-2.10(6)-S10210 Applica-
) bility of State Statutes and
) Adopted Administrative Regu-
) lations; MAC 2-2.10(6)-S10220
) Definitions; MAC 2-2.10(6)-
) S10250 Enforcement Procedures;
) MAC 2-2.10(6)-S10260 Require-
) ments for Structural System
) Review; MAC 2-2.10(6)-S10280
) Inspection and Insignia Fees.

1. On March 11, 1977, at 9:30 a.m., a public hearing will be held in the Commission room of the Highway Building, Helena, Montana, to consider the amendment of Rule MAC 2-2.10(6)-S10200 Incorporation by Reference of American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI A17.1; MAC 2-2.10(6)-S10210 Applicability of State Statutes and Adopted Administrative Regulations; MAC 2-2.10(6)-S10220 Definitions; MAC 2-2.10(6)-S10250 Enforcement Procedures; MAC 2-2.10(6)-S10280 Inspection and Insignia Fees.

2. The proposed amendments serve to remove references to mobile homes, remove the ten (10) day waiting period before a manufactured unit can be posted with a "Prohibited Sales Notice," and raise the inspection and insignia fees for recreational vehicles and factory built buildings.

3. The above rules are proposed to be amended as follows:

Rule MAC 2-2.10(6)-S10200, Subsection (1), is proposed to read as follows:
'2-2.10(6)-S10200 INCORPORATION BY REFERENCE OF AMERICAN NATIONAL STANDARD SAFETY CODE FOR ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING WALKS, ANSI A.17.1 (1) The ~~Construction and Maintenance~~ Architecture and Engineer-
ing Division of the Department of Administration adopts

(2)

and incorporates by reference herein the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A.17.1, 1971 edition, as amended.'

Rule MAC 2-2.10(6)-S10210, Subsection (3), (4), and (5) is proposed to be amended as follows:
Subsection (3) and (5) are to be deleted and Subsection (4) is to be renumbered as Subsection (3). Subsection (3) and (5) presently refer to mobile homes.

Rule MAC 2-2.10(6)-S10220, is proposed to be amended as follows:
Subsections (1), (8), (13), (16), (18), (20), and (21) are to be deleted. The remaining subsections will be numbered accordingly.

Rule MAC 2-2.10(6)-S10250, Subsections (1), (2), (3), and (10) are amended to read as follows:

'(1) Enforcement. The ~~Construction and Maintenance~~ Architecture and Engineering Division shall administer and enforce all the provisions of Chapter 21, Title 69, Revised Codes of Montana, 1947, and the rules and regulations adopted pursuant thereto.'

'(2) Inspectors. All inspectors of the Division shall have a working knowledge of the Uniform Building Codes, the Uniform Mechanical Code, the Uniform Plumbing Code, the National Electrical Code, ~~the National Fire Protection Association (NFPA)-501B~~, and the National Fire Protection Association (NFPA) 501C and shall not be under the control of any listing, agency, testing agency, third party inspection agency, dealer or manufacturer.'

'(3) Third Party Inspections. State inspectors shall monitor the third party inspection agencies regarding the accuracy and quality of their inspections and reports, and shall inspect and monitor all manufacturers, dealers, and installers regarding compliance with the applicable statutes and these rules and regulations. When, upon inspection, the inspector finds that a unit is in violation of these rules and regulations, he shall serve a Notice of Violation upon the manufacturer, dealer, and installer which will set forth the specific statutes, or rules and regulations which have been violated. The inspector shall post a Prohibited Sales Notice upon each unit ~~if said unit has not been corrected within ten (10) days from the date of service of Notice of Violation~~, and may confiscate the insignia of approval issued by the Division.'

'(10) Notice of Violations. (a) When an inspection reveals that a unit is in violation of any provisions of Chapter 21, Title 69, Revised Codes of Montana, 1947, or rules and regulations adopted pursuant thereto, the Division shall serve upon a corporate officer or designated representative of the manufacturing company a Notice of Violation, setting forth in what respect a violation has been committed. The Division shall also post the unit with a Prohibited Sales Notice ~~if the violation has not been corrected within ten (10) days or such longer period of time as may be allowed by the Division.~~ Should a violation not be corrected in the allotted time, the insignia shall be confiscated after a hearing has been conducted, as provided for in Section 2-2.10(6)-S10290, infra.

(b) Upon receipt of a Notice of Violation the manufacturer shall notify the Division in writing within ten (10) days of the action taken to correct the violations. The manufacturer so served shall not move said unit or cause it to be moved until the Division is notified of its destination or disposition. If the unit is posted with a Prohibited Sales Notice, such notice shall not be removed until authorized by the Division.'

Rule MAC 2-2.10(6)-S10260, Subsection (1), (3)(e), (4)(m), (6), and (22) are proposed to be amended to read as follows:

'2-2.10(6)-S10260 REQUIREMENTS FOR ~~STRUCTURAL-SYSTEM~~ SUBMITTAL REVIEW (1) Application for typical structural design approval. A manufacturer of ~~mobile-homes~~ factory built buildings may make application for a typical structural design approval prior to construction, which may be referenced on subsequent plans submitted based on width or type of construction. ~~The letter "S" shall be used on plans to designate a typical structural systems.'~~

(The remaining part of Subsection (1) to be unchanged) Subsection (3)(e): '(e) Calculations according to ~~NFPA-501B-for-mobile-homes~~, and NFPA 501C, for recreational vehicles;'

Subsection (4)(m) is to be deleted. Remaining subsections to be numbered accordingly.

Subsection (6) is to be deleted. Remaining subsections to be numbered accordingly.

Subsection 22(b), (c), (d): '(b) The manufacturer's identifying serial number of a ~~mobile-home~~ recreational vehicle shall be stamped in a visible location on the hitch, or on the front frame crossmember so located as to be visible at all times. The Division insignia shall be permanently attached on the exterior wall, adjacent

to the main door, not less than six (6) inches above the floor line, or affixed to the rear of the unit on the lower left roadside corner.'

Subsection (c) and (d) are to be deleted.

Rule MAC 2-2.10(6)-S10280 is proposed to be amended as follows:

'2-2.10(6)-S10280 INSPECTION AND INSIGNIA FEES (1)
Instate plan and system review fees. (a) The following are the plan and system review fees to be charged by the Division:

(i) Plan Filing Fee-Ten Fifteen ~~(\$10)~~ (\$15) dollars ~~for each group of documents transmitted (Plans and/or specifications in any one transaction)~~ per unit;

~~(ii) Model Fee-Ten dollars (\$10) for each set of plans and specifications constituting a model;~~

~~(iii) (ii) Construction Fee-One Hundred Dollars (\$100) for each set of plans and specifications. Structural Fee (For units with up to two parts)-One Hundred Dollars (\$100) for each set of plans and specifications describing the structural system for a model group. For units with more than two parts the standard plan review fee listed in the Uniform Building Code will be charged.~~
(NOT APPLICABLE TO RECREATIONAL VEHICLES);

~~(iv) (iii) Plumbing Fee-Fifteen dollars (\$15) for each set of plans and specifications;~~

~~(v) (iv) Electrical Fee-Fifteen dollars (\$15) for each set of plans and specifications;~~

~~(vi) (v) Mechanical Fee-Ten dollars (\$10) for each set of plans and specifications;~~

~~(vii) (vi) Plan Resubmission Fee-Twenty dollars (\$20) minimum plus ten dollars (\$10) for each 30 minutes or fractional part thereof in excess of one hour;~~

~~(viii) (vii) Plan Supplement Fee-Twenty dollars (\$20) minimum plus ten dollars (\$10) for each 30 minutes or fractional part thereof in excess of one hour;~~

~~(ix) (viii) Plan Renewal Fee-Fifteen dollars (\$15) for each set of documents describing a model or model group unit which is to be utilized during the next approval plan period. Obsolete plans or specifications are to be removed at the time of plan renewal by written notification at no additional cost.~~

(2) Plan and system review fees handled through reciprocal states.

(a) Plan Registration Fee-Fifteen dollars (\$15) for each set of documents transmitted describing a ~~model or model group unit. (Plans and/or specifications in one transaction)---See definitions of model and model group.~~

Manufacturer must furnish written certification signed by a corporate officer that the plans and specifications

submitted are true copies of those originally approved by the reciprocating state.

(b) Plan Supplement Fee-Five dollars (\$5) for each set of documents transmitted affecting a ~~model-or-model~~ **group unit**.

(c) Plan Renewal Fee-Fifteen dollars (\$15) for each set of documents describing a ~~model-or-model-group~~ **unit** which is to be utilized during the next approved plan period. Obsolete plans or specifications are to be removed at the time of plan renewal by written notification at no additional cost.

~~{3}--Alternate-review-fee--Alteration-or-Conversion-Fee Two-dollars--{62}.~~

~~{4} (3) Quality Control manual filing fee. Quality Control Manual Filing Fee-Five Ten dollars {65} (\$10).~~

~~{5} (4) Inspection Fee-Twenty Thirty dollars {620} (\$30) provided that such inspection of vehicle(s) is not in excess of one hour in duration.~~

~~(a) Ten Fifteen dollars {610} (\$15) for each 30 minutes or fractional part thereof in excess of one hour.~~

~~{6} (5) Field Technical Service Fees. Field Technical Service Fees-Twenty Thirty dollars {620} (\$30) provided that such service is not in excess of one hour in duration.~~

~~(a) Ten Fifteen dollars {610} (\$15) for every 30 minutes or fractional part thereof in excess of one hour.~~

~~{7} (6) Alternate approval review fees. Alternate Approval Review Fees-Twenty-five dollars (\$25) for each application.~~

~~{8} (7) Change in manufacture name, ownership or address fee. Change in Manufacture Name, Ownership or Address Fee-Ten dollars (\$10).~~

~~{9} (8) On-site review fees and manufacturer's inspection fees.~~

~~(a) Manufacturers in non-reciprocal states may be subject to at least one on-site review per year. They shall pay the following on-site review fee which shall be the same as those to be paid by manufacturers who request inspections:~~

~~(i) Requested Out-of-State Inspection or Field Technical Service Fee-Total travel cost based on published air fare, or equivalent rate, between Helena, Montana, and the point of inspection, plus necessary supplemental surface transportation, reimbursement for food and lodging consistent with State of Montana per diem and mileage rates and inspection fees of twenty thirty dollars {620} (\$30) per hour not to exceed eight hours in any one day.~~

~~{10} (9) Insignia fees. (a) The following are the insignia fees to be charged by the Division:~~

(i) ~~Mobile-Homes-and Factory-built Buildings-Twelve Twenty-five dollars and-fifty-cents-(\$12.50)~~ (\$25.00) per unit up to two parts; ~~Multiple-units-shall-pay-a single-insignia-fee;~~

(ii) Multiple Units (more than two parts) Factory-built Buildings-~~Twelve Twenty-five dollars and-fifty-cents (\$12.50)~~ (\$25.00) per model part, or if a building permit is obtained for the total building no insignia fee will be charged;

(iii) Recreational Vehicles-~~Seven Ten dollars and-fifty cents-(\$7.50)~~ (\$10.00) per unit;

(iv) Replacement Insignia-Two dollars (\$2.00) for each replacement insignia.

4. Interested persons may present their data, views or arguments whether orally or in writing at the hearing.

5. J. Michael Young, Administrator, Insurance and Legal Division, Capitol Station, Helena, Montana, 59601, has been designated by the Director of the Department of Administration to preside over and conduct the hearing.

6. The authority of the Department to make the proposed amendment is based on Sec. 69-2111, R.C.M. 1947.



Jack C. Crosser

Director
Department of Administration

Certified to the Secretary of State February 2, 1977

Title 4

Agriculture

CENTRALIZED SERVICES

EMERGENCY RULE TO ADOPT

4-2.6(2)-S649 CHARGES OF PUBLIC WAREHOUSEMEN. (1) Public Warehousemen may charge:

(a) Not more than eight cents (8¢) per bushel for receiving, elevating, weighing, and immediate delivery on car of the identical grain without mixing. Immediate delivery means that the total period of assemblage and delivery does not exceed seventy-two (72) hours.

(b) Not more than eight cents (8¢) per bushel, for all grains except flax, for receiving, grading, weighing, elevating, insuring, and delivery to the owner. For flax this charge is not more than ten cents (10¢) per bushel.

(c) Not more than ten cents (10¢) per bushel for cleaning grain where there are cleaning facilities except for seed cleaning, in which case screenings shall be delivered to the owner at his request.

(d) One-twentieth (1/20) of one cent (.01) per bushel for each day in storage after the period of free storage has elapsed. The first fifteen (15) days of storage shall be without charge.

(2) A twenty-five percent (25%) reduction for the above charges shall be allowed when the market price of wheat sold at point of origin is at time of sale less than two dollars and five cents (\$2.05) per bushel.

(3) The schedule of charges for cleaning shall be posted in a conspicuous place where grain is unloaded for cleaning.

(4) Failure on the part of a public warehouseman to comply with this chapter renders the licenses of the warehouseman subject to revocation by the Department. (History: Sec. 3-208, R.C.M. 1947 as amended in House Bill 535 of the 45th Legislature and signed by the Governor of the State of Montana on 3/30/77; EMRG ADP; Order MAC No. 4-2-25; Adp. 3/30/77; Eff. 3/30/77).

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CENTRALIZED SERVICES

EMERGENCY RULE TO AMEND

4-2.6(2)-S647 LICENSING OF GRAIN MERCHANTISERS - FEES - EXEMPTIONS.

~~(d) grain-dealers-owning, leasing, or controlling any truck or tractor trailer unit used in the business of buying grain for shipment or milling shall pay a license fee of \$15.00 for each year or part of year before July 1. A separate license is required for each truck, or tractor trailer unit owned, leased or controlled by the licensee.....~~

(d) grain merchandisers owning, leasing, or controlling any truck or tractor trailer unit used in the merchandising of grains other than activities directly related to public storage shall pay a license fee of \$15.00 for each year or part of a year before July 1. A separate license is required for each truck or tractor trailer unit. A decal, provided by the department, indicating the license number shall be securely placed on the windshield of each truck or tractor trailer unit. The decal license is not transferrable from one vehicle to another. If the truck or tractor trailer unit is sold or otherwise disposed of the licensee shall notify the Department of Agriculture. (History: Sec. 3-228.1 & 3-228.2, R.C.M. 1947; NEW MAC Not. No. 4-2-27; Order MAC No. 4-2-17; Adp. 4/15/76; Eff. 5/6/76; ENRG AMD; Order MAC No. 4-2-27; Adp. 5/25/77; Eff. 5/25/77).

exp. Aug 23

4-2.6(6)-S666

AGRICULTURE
CENTRALIZED SERVICES

EMERGENCY RULE TO ADOPT

4-2.6(6)-S666 AGRICULTURAL SEED LICENSING FEES. (1) All seed processing plants, seed labelers, seed buyers, and public agricultural seed warehouses shall obtain a license at a cost of \$25.00 per year from the department before doing business in this state.

(2) No person may distribute seed without obtaining a dealers license at the cost of \$10.00 per year for each place of business. The license must be obtained from the department. (History: Sec. 3-316 & 3-313, R.C.M. 1947; EMRG NEW; Order MAC No. 4-2-27; Adp. 5/25/77; Eff. 5/25/77).

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the Matter of the Department	)	NOTICE OF PUBLIC HEARING FOR
of Agriculture Adopting NEW rules)		ADOPTION OF NEW RULES for
for the Centralized Services	)	the Centralized Services
Division of the Department of	)	Division, Montana Depart-
Agriculture for the Montana	)	ment of Agriculture.
Administrative Codes.)	

TO: All Interested Persons

1. On May 17, 1977, at 9:00 a.m., in the Highway Commission Room, on Sixth and Roberts Streets, Helena, Montana, a Public Hearing will be held by the Montana Department of Agriculture to determine charges for public warehousemen.

2. The proposed rules are as follows, and will be assigned rule numbers and catchphrases when adopted.

Rule No. I. (1) Not more than a total of ten cents (10¢) per bushel for receiving, elevating, weighing, and immediate delivery on a car of the identical grain without mixing. Immediate delivery means that the total period of assemblage and delivery does not exceed seventy-two (72) hours.

(2) Not more than a total of ten cents (10¢) per bushel, for all grains, for receiving, grading, weighing, elevating, insuring, and delivery to the owner.

(3) One twelfth (1/12) of one cent (.01) per bushel for each day in storage with fifteen (15) days free storage if sold within the fifteen (15) days free storage period. If the grain is not sold within the fifteen (15) days free storage, storage charges of one twelfth (1/12) of one cent (.01) per bushel shall commence as of the date of grain deposit.

(4) The schedule of charges for cleaning shall be posted in a conspicuous place where grain is unloaded for cleaning. The department will print and provide copies of schedule tariffs of charges to each licensed public warehouse in the state.

(5) Not more than ten cents (10¢) per bushel for cleaning grain where there are cleaning facilities except for seed cleaning in which case screenings shall be delivered to the owner at his request.

(6) Failure on the part of the public warehouseman to comply with this chapter renders the licenses of the warehouseman subject to revocation by the department.

3. Interested persons may present their data, views, or arguments, whether orally or in writing at the hearing set forth above.

4-4/25/77

MAC Notice No. 4-2-35

(2)

4. Mr. Gene J. Carroll, Administrator of the Marketing and Transportation Division, Montana Department of Agriculture, Helena, Montana 59601 has been designated as hearing officer, to preside over and conduct the hearing.

5. The authority of the department to adopt the proposed rules is based on Section 3-208, R.C.M. 1947 as amended in HB 535 of the 45th Legislature and signed by the Governor of the State of Montana on 3/29/77.



GEORGE LACKMAN, Director

Certified to the Secretary of State April 12, 1977.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the Matter of the Department)	NOTICE OF PROPOSED AMENDMENT
of Agriculture Amending a rule)	of rule 4-2.6(2)-S642, of
for the Centralized Services)	Chapter 6, Centralized
Division of the Department of)	Services Division. No Public
Agriculture for the Montana)	Hearing Contemplated.
Administrative Code.)	

TO: All Interested Persons

1. On June 14, 1977, the Department of Agriculture proposes to amend rule 4-2.6(2)-S642 for Chapter 6.

2. The proposed amendment would make the following changes in the present rule:

4-2.6(2)-S642 WRITTEN TERMS, GRAIN WAREHOUSE RECEIPTS.

(1) Public grain warehouse receipts under this act shall contain the written terms:

(o) the back of the public grain warehouse receipt shall include printed statements such as:

- ~~(i)~~ ~~legal storage and handling charges;~~
- ~~(ii)~~ (i) delivery provisions;
- ~~(iii)~~ (ii) actual delivery of grain provisions;
- ~~(iv)~~ (iii) bailment provisions;
- ~~(v)~~ (iv) Act of God provisions; and
- ~~(vi)~~ (v) non-negotiable provisions.

3. Interested persons may submit their data, views, or arguments concerning the proposed amendment to Mr. Eldon R. Fastrup, Acting Director, Department of Agriculture, 1300 Cedar Street, Airport Way - Building West, Helena, Montana 59601.

4. If a person directly affected wishes to express his data, views or argument orally or in writing at a public hearing, he must make written request for a public hearing and submit his request along with any written comments to Mr. Eldon R. Fastrup before June 15, 1977.


5. If the Department receives requests for a public hearing on the amended rule from more than ten percent (10%) or twenty-five (25) or more persons directly affected, a public hearing will be held at a later date. You will be notified of a public hearing.

6. The authority of the Department to amend the rule is based on Section 3-315, R.C.M. 1947.

(2)

Eldon R. Fastrup
ELDON R. FASTRUP, Acting Director

Certified to the Secretary of State April 26, 1977.

5-5/25/77 

MAC Notice No. 4-2-36

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the Matter of the Department	)	NOTICE OF PROPOSED AMENDMENT
of Agriculture Amending rules	)	of rules: 4-2.22(1)-S2200;
for the Pesticide Division of	)	4-2.22(2)-S2280; 4-2.22(6)-
the Department of Agriculture	)	S22060; 4-2.22(10)-S22110;
for the Montana Administrative	)	4-2.22(10)-S22130; 4-2.22
Codes.	)	(19)-S22310; & 4-2.22(22-
	)	S22360 of Chapter 22, Pesti-
	)	cides Division. No Public
	)	Hearing Contemplated.

TO: All Interested Persons

1. On June 14, 1977, the Department of Agriculture proposes to amend rules in Chapter 22.
2. The proposed amendments would make the following changes in the present rules:

~~4-2.22(1)-S2200 FINANCIAL RESPONSIBILITIES. (5) Commercial pesticide seed treatment applicators are exempt from the financial responsibilities required of this act and by regulation except for Rules 4-2.22(1)-S2230, 4-2.22(1)-S2240, 4-2.22(1)-S2250, 4-2.22(1)-S2260, and 4-2.22(1)-S2270.~~

(5) Commercial pesticide seed treatment applicators, those seed treaters using fumigants, and public utility noncommercial and food manufacturing and processing applicators applying pesticides in or on properties managed by the public utility or food manufacturer or processor are exempt from the financial responsibilities required in rules 4-2.22(1)-S2200 through 4-2.22(1)-S2220. Demonstration and Research Pest Control Applicators may be exempt from the financial responsibilities required in rules 4-2.22(1)-S2200 through 4-2.22(1)-S2220. The Department shall evaluate each applicant's situation relative to the application of a pesticide for demonstration and research purposes to determine if financial responsibility will be required. The Department will consider the following factors: actual pesticide applications by the applicant, the use of co-operators, the size of plots and the hazards and drift potential of pesticides utilized. All these applicators shall comply with the requirements in rules 4-2.22(1)-S2230 through 4-2.22(1)-S2270.

4-2.22(2)-S2280 PESTICIDE APPLICATOR LICENSING REQUIREMENTS. (6) Those individuals who cannot be classified as a commercial, public utility, or government certified pesticide applicator or who cannot be classified as a private applicator but desire the use of restricted use pesticides shall be considered to be certified non-commercial applicators. The non-commercial applicators desiring to use restricted use pesticides

in the state shall be required to meet the same application, examination, qualification, general and specific competency standards, record-keeping, requalification, and other related pesticide usage and application standards as required ~~to meet the financial responsibility requirements of the Act,~~ by the Act.

4-2.22(6)-S22060 FARM APPLICATOR CERTIFICATION STANDARDS.

(1) A farm applicator desiring to use and apply restricted use pesticides shall be required to make application for an annual special use permit or certificate on a form approved by the Department. Each application form shall be completed in its entirety prior to processing by the Department. A fee for the certificate shall not be required by the Department. Applicants who have completed the application form and have passed the required examination or have attended an approved training course and have taken an ungraded quiz at the conclusion of the course shall be issued a certificate by the Department to purchase and use restricted use pesticides. Passage of the required examination shall mean that applicators will be qualified for five consecutive years, provided that the applicators shall obtain an annual certificate within the limitations set forth in this regulation.

(2) The farm applicator examination or training standards, as a minimum requirement, shall include:

(3) The farm applicant passing the examination or attending an approved training course shall be certified to use restricted use pesticides for the purpose of producing agricultural commodities. The passing examination score shall be seventy percent (70%).

Applicants who are unable to read and understand labels or who have failed their ~~third~~ examination may qualify for certification by passing an oral examination. This oral examination shall be as comprehensive as the farm applicator written examination and passing score shall be seventy percent (70%). Applicants failing the oral examination may be required to attend a training course or receive individual training from a recognized pesticide training official or from a certified-licensed applicator prior to taking the additional second/oral examinations. ~~The applicant failing the second oral examination shall attend a training course prior to taking the third oral examination. -- Oral examinations shall only be given at the convenience and approval of the department or its authorized representative.~~ Applicants requesting certification through oral examination shall be certified to use and apply only those individual restricted use pesticides for which the applicant becomes certified.

(4) Certified farm applicators shall requalify for certification to use restricted use pesticides prior to issuance of a certificate every sixth year. Requalification may be achieved by passing an examination or by attending a training course approved by the department. ~~The department~~

~~retains the right to require a farm applicator to pass a re-~~
~~qualification examination at any time.~~ Farm applicators
~~examined for certification~~ certified in 1976 or 1977 may be
 required by the department to requalify for ~~licensing certifi-~~
~~cation~~ prior to the sixth licensing period one time only to
 allow for staggering the requalification of farm applicators.
 Thereafter, all farm applicators shall requalify prior to the
 sixth licensing period. ~~The department may, from time to time,~~
~~require farm applicators to take and pass an examination on~~
~~new developments in pesticide technology.~~

4-2.22(10)-S22110 APPLICATION FOR LICENSE. (1) A person
 applying for a commercial pesticide dealer's license ~~and/or~~
~~retail outlet license~~ shall make application for the license
 on a standard application form provided by the department.
 Each application shall be completed in its entirety and the
 licensing fee paid prior to processing by the department.

(3) A non-resident corporation, which has an effective
 certificate of authority to transact its business in Montana,
 filing the service process shall appoint its own resident
 agent or attorney upon whom service of process may be made in
 such causes of action, and such service when so made shall be
 valid service on the agent or attorney. Service of process
 for these corporations shall apply to all employees transacting
 business in the state. The corporation shall provide to the
 department a list of its employees, if more than one, the sub-
 sequent revisions of the list for those employees licensed or
 to be licensed as dealers. ~~or-retailers.~~

(4) A non-resident individual or partnership may designate
 the Secretary of State as its lawful agent or attorney upon whom
 service of process may be made in such causes of action, and
 such service when so made shall be valid service on the Secretary
 of State. Service of process for individuals or partnerships
 shall apply to all employees transacting business in the state.
 The individuals or partnership shall provide to the department
 a list of the employees and subsequent revision of the list for
 those employees licensed or to be licensed as pesticide dealers
~~or-retailers.~~

(5) A non-resident corporation which does not have an ef-
 fective certificate of authority from the Secretary of State to
 transact its business in Montana and which does not transact
 business in Montana so as to require it to procure such a certi-
 ficate of authority may designate the Secretary of State as its
 lawful agent or attorney upon whom service of process may be
 made in such causes of action, and such service when so made
 shall be valid service on the Secretary of State. Service of
 process for corporations shall apply to all employees transact-
 ing business in the state. The corporation shall provide to the
 department a list of its employees and subsequent revision of
 the list for those employees licensed or to be licensed as
 pesticides dealers. ~~or-retailers.~~

4-2.22(10)-S22130 PESTICIDE DEALERS REQUIREMENTS AND STANDARDS. (1) Licensed pesticide dealers may purchase, sell, offer for sale, or distribute any pesticide classified as general or restricted use registered in the state. Dealers will not be allowed to handle certain restricted pesticides which are registered for use, sale, or distribution by government agencies only. ~~Dealers shall not be required to obtain a retailer license for selling retail pesticides.~~

4-2.22(19)-S22310 APPLICATOR CLASSIFICATION AND REQUIREMENTS. (5) Certified-licensed commercial M-44 applicators are exempt from the financial responsibilities required in rules 4-2.22(1)-S2200 through ~~4-2.2220~~ 4-2.22(1)-S2220. These applicators shall comply with all the requirements in rules 4-2.22(1)-S2230 through 4-2.22(1)-S2270 on liability.

4-2.22(22)-S22360 DEFINITION OF TERMS. "Applicant" means a person who applies for a registration pursuant to Section 27-217, or a person who applies for a license pursuant to Sections 27-221 through ~~27-227~~ 27-226 and 27-231, or a person who applies for a permit pursuant to Section 27-228 of the Act.

3. Interested persons may submit their data, views, or arguments concerning the proposed amendment to the Director of the Montana Department of Agriculture, 1300 Cedar Street, Airport Way - Building West, Helena, Montana 59601.

4. If a person directly affected wishes to express his data, views, or arguments orally or in writing at a public hearing he must submit his request along with any written comments to the Director of the Montana Department of Agriculture before June 15, 1977.

5. If the department receives requests for a public hearing on the amended rules from more than ten percent (10%) or twenty-five (25) or more persons directly affected, a public hearing will be held at a later date. You will be notified of a public hearing.

6. The authority of the Department to amend the rules in this Chapter is based on Section 27-234, R.C.M. 1947.

Eldon R. Fastrup
 ELDON R. FASTRUP, Acting Dir.

Certified to the Secretary of State May 9, 1977.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the Matter of the Department)	NOTICE OF PROPOSED ADOPTION
of Agriculture Adopting a Rule)	OF A NEW RULE for the Pesti-
for the Pesticide Division of)	cide Division, Chapter 22.
the Department of Agriculture)	NO PUBLIC HEARING CONTEM-
for the Montana Administrative)	PLATED.
Codes.)	

TO: All Interested Persons

1. On June 14, 1977, the Department of Agriculture proposes to adopt a NEW rule for Chapter 22.
2. The proposed rule will be assigned a MAC number and catchphrase upon adoption. The new rule is as follows:

RULE 1. INSTITUTION OF PESTICIDE ENFORCEMENT POLICY STATEMENTS. (1) General. Pesticide enforcement activities have been conducted since January 1, 1972, and the objectives have been to inform citizens of the law, educate pesticide users and sellers, register pesticides, license applicators and dealers and evaluate and resolve pesticide problems. The 1971 Legislature, through its various committees and members expressed a desire that the provisions of the Act and their implementation should occur over a reasonable period of time. Implementation through education, enforcement, and evaluation has been accomplished even though all three functions must be strengthened and continually performed. In 1977 and thereafter, the department will be emphasizing enforcement functions, especially in cases that involve unlicensed individuals and major violations of the Act and/or regulations. The department's emphasis on enforcement will include the responsibility of informing registrants, licensees, permittees, and the general public of the department's pesticide policies. Publication of these policies -- Pesticide Enforcement Policy Statements (PEPS) will improve the predictability of the department's enforcement actions and establish enforcement precedents. The PEPS will also provide a vehicle whereby periodic evaluation of enforcement actions, pesticide application, use, and sales can be accomplished. Since the PEPS will set forth exactly what pesticide policies will be followed, they may result in improved compliance with the law by all segments of the industry and the general public.

These PEPS will be intended to address pesticide issues (e. g. application or pest problems) which are of state significance and which will not be easily resolved through registration and label modifications. The PEPS will set forth the agency's prosecutorial policies and discretion.

The intent of Montana's Act, especially the registration provisions, is to model state actions after federal actions to

prevent the operation of two different regulatory systems in the state. However, the department may make necessary modifications to meet special state needs and requirements. The Environmental Protection Agency has, at the present time, implemented several PEPS covering various subjects and it is anticipated that future PEPS will be developed.

(2) The department hereby announces its intent to adopt, modify, or rescind, when necessary, the PEPS of the Environmental Protection Agency. These PEPS are designed to inform those engaged in the formulation, distribution, sale, application, or use of pesticides as well as the public, the policies adopted by the department in the exercise of its prosecutorial discretion in the enforcement of the Montana Pesticides Act.

These PEPS allow the department to effectively, but reasonably enforce the Act. If the department promulgates regulations which affect matters contained in a prior PEPS, the PEPS will be revoked or amended to conform with the regulation. A regulation establishes the regulatory jurisdiction of the department which will take precedent over prosecutorial discretion.

It is anticipated that the bulk of these policy statements will explain pesticide enforcement regarding:

- (a) the registration of products sold in commerce;
- (b) the implementation of enforcement remedies; and
- (c) the regulation of the application, sale, and other uses of pesticides.

The department, in enforcing these policy statements, will use the level of compliance and understanding normally associated with the actions of prudent and reasonable persons. The department recognizes the need to continue regulation of the industry in a common sense manner.

(3) Being mindful of the concerns of legislative and executive officials and aware of the department's own public trust, the department will approach enforcement problems on a case-by-case basis, allowing the rule of reason to apply. The department, at its discretion, determines whether a violation of law or regulation has occurred and whether an activity will subject a violator to minor or major enforcement liability. The department does not intend to take immediate action against minor violations. The department will attempt to resolve these minor problems reasonably prior to taking any action to revoke a license, obtaining an injunction, or bringing misdemeanor charges in district court. The department will, however, take effective and immediate action against major or repeated violations of the Act and regulations. The department has taken the position that any use of a pesticide in contravention of its label provision is a violation of the Montana Pesticides Act and may subject the violator to a misdemeanor or loss of license.

(4) PEPS. The Montana Department of Agriculture hereby adopts, under the provisions of the Montana Pesticides Act and the Montana Administrative Procedure Act, the following

PEPS of the United States Environmental Protection Agency:

(a) PEPS No. 1 - "Uses of Registered Pesticides at Less Than Label Dosage Rates." Federal Register May 5, 1975 (40 FR 19529), and September 17, 1975 (40 FR 42914).

(b) PEPS No. 2 - "Use of Registered Pesticides for the Control of Unnamed Target Pests in Structural Pest Control." Federal Register September 5, 1975 (40 FR 41175).

(c) PEPS No. 4 - "Preventive Pest Control Treatments in the Absence of Target Pests." Federal Register July 8, 1976 (41 FR 28005).

(d) PEPS No. 5 - "Use of Registered Pesticides for the Control of Pests NOT Named on the Label in Agriculture and Other NON-Structural Pest Control." Federal Register September 21, 1976 (41 FR 41142).

(e) PEPS No. 6 - "Structural Pest Control Use and Labeling of Service Containers for the Transportation or Temporary Storage of Pesticides." Federal Register December 23, 1976 (41 FR 55932).

(f) PEPS No. 7 - "Aerial Application of Registered Pesticides." Federal Register April 27, 1977 (42 FR 21496).

(5) Modifications. The department hereby adopts for enforcement purposes, the following modifications to these PEPS:

(a) The minimum qualifications of a knowledgeable expert includes the policy that the expert shall be a certified licensed applicator in the category for which a recommendation is made.

(b) Individuals desiring "Knowledgeable Expert" status to make recommendations on the subjects expressed in PEPS No. 1, 2, 5, or 7 shall submit their full name, address, telephone number, and business or organizational affiliation to the department prior to making a recommendation. The department will place the name of the individual on a list of "knowledgeable experts" relating to a specific field of application or use.

(c) All knowledgeable experts shall submit their written recommendations for use of a pesticide relating to PEPS No. 1, 2, 5, or 7 to the department. The expert shall also affix to the recommendation the reasons utilized to justify the recommendation (e.g. research, journal publications, etc.).

(d) No recommendations shall be made to any individual until the department has reviewed the recommendation for compliance with the appropriate PEPS and the Montana Pesticides Act and rules adopted thereunder.

(e) Knowledgeable experts are expected to contact the company that manufactures or distributes the product to be used to insure that the company does not object to the use of their product in a manner not consistent with the label.

(f) The department shall hold the recommender of a pesticide use, not consistent with the label, but in compliance with the appropriate PEPS, totally responsible for each and

every recommendation. The department may also hold the user responsible for use resulting in environmental, health, or related problems.

3. Interested persons may submit their data, views, or arguments concerning the proposed adoption to the Director of the Montana Department of Agriculture, 1300 Cedar Street, Airport Way - Building West, Helena, Montana 59601.

4. If a person directly affected wishes to express his data, views, or arguments orally or in writing at a public hearing he must submit his request along with any written comments to the Director of the Montana Department of Agriculture before June 15, 1977.

5. If the department receives requests for a public hearing on the amended rules from more than ten percent (10%) or twenty-five (25) or more persons directly affected, a public hearing will be held at a later date. You will be notified of a public hearing.

6. The authority of the Department to adopt the rule in this Chapter is based on Section 27-234, R.C.M. 1947.


ELDON R. FASTRUP, Acting Dir.

Certified to the Secretary of State May 9, 1977.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the Matter of the Department) NOTICE OF PROPOSED ADOPTION
of Agriculture Adopting a Rule) of a NEW Rule for the Centra-
for the Centralized Services) lized Services Division,
Division of the Department of) Chapter 6. NO PUBLIC HEAR-
Agriculture for the Montana) ING CONTEMPLATED.
Administrative Codes.)

TO: All Interested Persons

1. On July 14, 1977, the Department of Agriculture proposes to adopt a NEW rule for Chapter 6.

2. The proposed rule will be as follows, and is assigned the following MAC number and catchphrase.

4-2.6(6)-S666 AGRICULTURAL SEED LICENSING FEES. (1) All seed processing plants, seed labelers, seed buyers, and public agricultural seed warehouses shall obtain a license at a cost of \$25.00 per year from the department before doing business in this state.

(2) No person may distribute seed without obtaining a dealers license at the cost of \$10.00 per year for each place of business. The license must be obtained from the department.

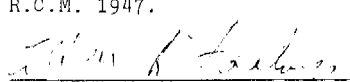
3. This rule was first noticed by emergency on May 25, 1977 and now the department is proposing to make it permanent.


4. Interested persons may submit their data, views, or arguments concerning the proposed adoption to Mr. Eldon R. Fastrup, Acting Director, Department of Agriculture, 1300 Cedar Street, Airport Way - Bldg. West, Helena, Montana 59601.

5. If a person directly affected wishes to express his data, views, or arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit his request along with any written comments to Mr. Eldon R. Fastrup before July 14, 1977.

6. If the Department receives requests for a public hearing on the proposed rule from more than ten percent (10%) or twenty-five (25) or more persons directly affected, a public hearing will be held at a later date. You will be notified of a public hearing.

7. The authority of the Department to adopt the rule is based on Section 3-313 & 3-316, R.C.M. 1947.



ELDON R. FASTRUP, Acting Dir.

6-6/24/77 

MAC Notice No. 4-2-39

(2)

Certified to the Secretary of State June 1, 1977.

6-6/24/77  66

MAC Notice No. 4-2-39

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the Matter of the Department	)	NOTICE OF PROPOSED AMENDMENT
of Agriculture Amending a Rule	)	of Rule 4-2.6(2)-S647, Chap-
for the Centralized Services	)	ter 6, Centralized Services
Division of the Department of	)	Division. NO PUBLIC HEARING
Agriculture for the Montana	)	CONTEMPLATED.
Administrative Codes.)	

TO: All Interested Persons

1. On July 14, 1977, the Department of Agriculture proposes to amend rule 4-2.6(2)-S647 of Chapter 6 to comply with the amended law in Section 3-228.1, R.C.M. 1947.

2. The proposed amendment would be as follows:

4-2.6(2)-S647 LICENSING OF GRAIN MERCHANDISERS - FEES - EXEMPTIONS.

~~(d)--grain-dealers-owning,-leasing,-or-controlling-any truck-or-tractor-trailer-unit-used-in-the-business-of-buying grain-for-shipment-or-milling-shall-pay-a-license-fee-of-\$15.00 for-each-year-or-part-of-year-before-July-1--A-separate license-is-required-for-each-truck,-or-tractor-trailer-unit owned,-leased-or-controlled-by-the-licensee.~~

(d) grain merchandisers owning, leasing, or controlling any truck or tractor trailer unit used in the merchandising of grains other than activities directly related to public storage shall pay a license fee of \$15.00 for each year or part of year before July 1. A separate license is required for each truck or tractor trailer unit. A decal, provided by the department, indicating the license number shall be securely place on the windshield of each truck or tractor trailer unit. The decal license is not transferrable from one vehicle to another. If the truck or tractor trailer unit is sold or otherwise disposed of the licensee shall notify the Department of Agriculture.

3. This rule was first notice by the emergency process on May 25, 1977 and now the department is proposing to make it permanent.

4. Interested persons may submit their data, views, or arguments concerning the proposed adoption to Mr. Eldon R. Fastrup, Acting Director, Department of Agriculture, 1300 Cedar Street, Airport Way - Bldg. West, Helena, Montana 59601.

5. If a person directly affected wishes to express his data, views, or arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit his request along with any written comments to Mr. Eldon R. Fastrup before July 14, 1977.

6-6/24/77

MAC Notice No. 4-2-40

(2)

6. If the Department receives requests for a public hearing on the proposed rule from more than ten percent (10%) or twenty-five (25) or more persons directly affected, a public hearing will be held at a later date. You will be notified of a public hearing.

7. The authority of the Department to amend the rule is based on Section 3-228.1, R.C.M. 1947.

Eldon R. Fastrup

ELDON R. FASTRUP, Acting Dir.

Certified to the Secretary of State June 1, 1977.

Title 8
Business
Regulation

BEFORE THE DEPARTMENT OF BUSINESS REGULATION
OF THE STATE OF MONTANA

In the Matter of the Amendment of)	NOTICE OF PROPOSED
Rule 8-2.2(2)-P270, Pertaining to)	AMENDMENT OF RULE
Citizen Participation in the)	(Citizen Participation -
Operation of the Department)	General)
	NO PUBLIC HEARING
	CONTEMPLATED

TO: All Interested Persons

1. On April 14, 1977, the Department of Business Regulation proposes to amend Rule 8-2.2(2)-P270, which specifies the personnel roster of the Department of Business Regulation relative to inquiries concerning citizen participation.

2. The proposed amendment changes the name of the Director from Harold H. Pitts to Kent Kleinkopf. Mr. Kleinkopf assumed the duties of Director of the Department of Business Regulation on January 1, 1977. Rule 8-2.2(2)-P270 as proposed to be amended is as follows (matter to be stricken is interlined, new matter is underlined):

"8-2.2(2)-P270 GENERAL Citizens desiring information about anything contained in these rules or about anything concerning the Department of Business Regulation and public participation should contact the appropriate Division Administrator. Their names and addresses are as follows:

~~Harold H. Pitts~~, Kent Kleinkopf, Director,
Department of Business Regulation, 805
North Main, Helena, Montana 59601

Isabelle Pistelak, Administrator, Centralized
Services Division, 805 North Main, Helena,
Montana 59601

Dick Disney, Administrator, Consumer Affairs
Division, 805 North Main, Helena, Montana
59601

Leslie W. Alke, Administrator, Financial
Division, 805 North Main, Helena, Montana
59601

K. M. Kelly, Administrator, Milk Control
Division, 805 North Main, Helena, Montana
59601

Gary Delano, Administrator, Weights and Measures Division, 805 North Main, Helena, Montana 59601

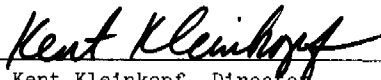
(all may be reached by telephone at (406) 449-3163).

3. Interested parties may submit their data, views or arguments concerning the proposed rules in writing to Kent Kleinkopf, Director of the Department of Business Regulation, 805 North Main Street, Helena, Montana 59601. Written comments in order to be considered must be received no later than April 14, 1977.

4. If a person directly affected wishes to express his data, views, and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to Kent Kleinkopf, on or before April 14, 1977.

5. If the Department receives requests for a public hearing on the proposed rules from more than twenty-five persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.

6. The authority of the Department to make the proposed rules is based on Sections 82-4227 and 82-4228, R.C.M. 1947.



Kent Kleinkopf, Director
Department of Business Regulation

Certified to the Secretary of State March 17, 1977.

BEFORE THE DEPARTMENT OF BUSINESS REGULATION
OF THE STATE OF MONTANA
MILK CONTROL DIVISION

In the Matter of the Amend-	)	NOTICE OF PROPOSED AMEND-
ment of Rule 8-2.12(6)-	)	MENT OF RULE 8-2.12(6)-
S1220 Regarding Levying an	)	S1220 (Licensee Assess-
Assessment upon Licensees	)	ments) NO PUBLIC HEARING
(Statewide)	)	CONTEMPLATED

TO: All Interested Persons

(1) On April 14, 1977, the Department of Business Regulation proposes to amend Rule 8-2.12(6)-S1220 relating to an assessment to be levied upon licensees subject to the Milk Control Act. The proposed rule will become effective July 1, 1977.

(2) The purpose of the assessment is to secure funds to administer and enforce the Milk Control Act (Title 27, Chapter 4, R.C.M. 1947).

(3) The authority for the Department of Business Regulation to adopt the proposed rule and levy the assessment is based on Section 27-409, R.C.M. 1947, as amended.

(4) The proposed rule provides as follows:

8-2.12(6)-S1220 LICENSEE ASSESSMENTS -

(1) Pursuant to Section 27-409, R.C.M. 1947, as amended, the following assessments for the purpose of deriving funds to administer and enforce the Milk Control Act during the fiscal year beginning July 1, 1977, and ending June 30, 1978, are hereby levied upon the Milk Control Act licensees of this Department.

(a) A fee of eight cents (\$0.08) per hundredweight on the total volume of all milk subject to the Milk Control Act produced and sold by a producer distributor.

(b) A fee of eight cents (\$0.08) per hundredweight on the total volume of all milk subject to the Milk Control Act sold in this state by a distributor home based in another state. Said fee is to be paid either by the foreign distributor or his

jobber who imports such milk for sale within this state.

(c) A fee of four cents (\$0.04) per hundred-weight on the total volume of all milk subject to the Milk Control Act sold by a producer.

(d) A fee of four cents (\$0.04) per hundred-weight on the total volume of milk subject to the Milk Control Act sold by a distributor, excepting that which is sold to another distributor."

(5) Rule 8-2.12(6)-S1220 will be subject to yearly amendment to reflect necessary adjustments to the assessments levied to insure that sufficient but not excessive funds may be collected. PLEASE NOTE THAT THERE IS NO CHANGE IN THE AMOUNT OF ASSESSMENT PROPOSED FOR FISCAL 1977-1978. The purpose of this amendment is merely to change the effective dates from July 1, 1976 through June 30, 1977 to July 1, 1977 through June 30, 1978.

(6) Projected budget data demonstrating the necessity for levying fees in the amount specified in proposed Rule 8-2.12(6)-S1220 are available for inspection during regular business hours at the offices of the Department of Business Regulation, 805 North Main Street, Helena, Montana 59601.

(7) Interested parties may submit their data, views or arguments concerning the proposed rule in writing to Kent Kleinkopf, Director, Department of Business Regulation, 805 North Main Street, Helena, Montana 59601. Written comments, in order to be considered, must be received not later than April 14, 1977.

(8) If a person directly affected wishes to express his data, views or arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has, to Mr. Kleinkopf at the above address on or before April 14, 1977.

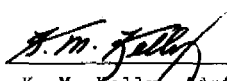
(9) If the Department receives requests for a public hearing on the proposed rule from more than ten percent (10%) or twenty-five (25) or more persons directly affected, a

(3)

public hearing will be held at a later date. Notification will be made by mail to licensees and by publication in the Administrative Register.

KENT KLEINKOPF, DIRECTOR
DEPARTMENT OF BUSINESS REGULATION

By



K. M. Kelly, Administrator
Milk Control Division

Certified to the Secretary of State March 11, 1977.

BEFORE THE DEPARTMENT OF BUSINESS REGULATION
OF THE STATE OF MONTANA
MILK CONTROL DIVISION

In the Matter of the Amend-) NOTICE OF PROPOSED AMENDMENT
ment of Rule 8-2.12(1)-) OF RULE 8-2.12(1)-S1200
S1200, Concerning the) (Transactions Involving the
Transportation of Milk) Purchase and Resale of Milk
within this State)
NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

(1) On June 14, 1977, the Department of Business Regulation proposes to amend Rule 8-2.12(1)-S1200 as it relates to the transportation of milk. The amendment, if adopted, will become effective on July 5, 1977.

(2) The proposed amendment would delete paragraph (24) of the rule dealing with the transportation of milk, and would renumber subsequent paragraphs. This proposed amendment of the rule as it relates to transportation of milk is necessitated by changes in the underlying law arising from House Bill No. 163, as adopted by the 45th Session of the Montana Legislature. That bill amended Sections 27-405 and 27-407, R.C.M. 1947, transferring jurisdiction over the transportation of milk from the Department of Business Regulation to the Board of Milk Control.

(3) Interested parties may submit their data, views or arguments concerning the proposed amendment in writing to Kent Kleinkopf, Director of the Department of Business Regulation, 805 North Main Street, Helena, Montana 59601. Written comments, in order to be considered, must be received no later than June 9, 1977.

(4) If a person directly affected wishes to express his data, views and arguments orally at a public hearing, he must make written request for a public hearing and submit it along with any written comments he has to Kent Kleinkopf, Director of the Department of Business Regulation, 805 North Main, Helena, Montana 59601, on or before June 9, 1977.

(5) If the Department receives requests for a public hearing on the proposed amendment from more than 10 percent or 25 of the persons who will be directly affected by the proposed amendment, a public hearing will be held at a later date. Ten percent of those persons directly affected has been determined to be 27 persons based on the 276 related

(2)

licenses issued by the Department of Business Regulation.
Notification of the parties will be made by publication in
the Administrative Register.

KENT KLEINKOPF, DIRECTOR
DEPARTMENT OF BUSINESS REGULATION

By *K. M. Kelly*
K. M. Kelly, Administrator
Milk Control Division

Certified to the Secretary of State on May 11, 1977.

Chapter 14
Milk Control,
Board of

BEFORE THE BOARD OF MILK CONTROL
OF THE STATE OF MONTANA

In the Matter of the Amend-	)	NOTICE OF PROPOSED AMENDMENT
ment of Rule 8-3.14(14)-	)	OF RULE 8-3.14(14)-S1440
S1440, as it Relates to the	)	(Pricing Rules)
Transportation of Milk.	)	NO PUBLIC HEARING CONTEM-
		PLATED

TO: All Interested Persons

(1) On June 14, 1977, the Board of Milk Control proposes to amend Rule 8-3.14(14)-S1440 as it relates to the transportation of milk. The amendment, if adopted, will become effective on July 5, 1977.

(2) The proposed amendment would substitute the language currently appearing at Rule 8-2.12(1)-S1200 (24) for the language now appearing at Rule 8-3.14(14)-S1440 (10). This proposed transfer of the rule governing transportation of milk is necessitated by changes in the underlying law effected by House Bill No. 163, as adopted by the 45th Session of the Montana Legislature. That bill amended Sections 27-405 and 27-407, R.C.M. 1947 to transfer jurisdiction over the transportation of milk from the Department of Business Regulation to the Board of Milk Control.

(3) Interested parties may submit their data, views or arguments concerning the proposed amendment in writing to Curtis Cook, Chairman of the Board of Milk Control, 805 North Main, Helena, Montana 59601. Written comments, in order to be considered, must be received no later than June 9, 1977.

(4) If a person directly affected wishes to express his data, views and arguments orally at a public hearing, he must make written request for a public hearing and submit his request along with any written comments he has to Curtis Cook, Chairman of the Board of Milk Control, 805 North Main Street, Helena, Montana 59601, on or before June 9, 1977.

(5) If the Board receives requests for a public hearing on the proposed amendment from more than 10 percent or 25 of the persons who will be directly affected by the proposed amendment, a public hearing will be held at a later date. Ten percent of those persons directly affected has been determined to be 27 persons based on the 276 related licenses issued by the Department of Business Regulation. Notification of the parties will be made by publication in the Administrative Register.

(2)

BY ORDER OF THE BOARD OF MILK CONTROL

Curtis Cook

Curtis Cook, Esquire
Chairman

By

K. M. Kelly

K. M. Kelly, Administrator

Certified to the Secretary of State on May 11, 1977.

Title 12

Fish and Game

BEFORE THE STATE FISH AND GAME COMMISSION
OF THE STATE OF MONTANA

In the matter of the Amendment	)	NOTICE OF AMENDMENT
of Rule 12-2.6(1)-S660 Relating	)	NO PUBLIC HEARING
to Landowner Preference for	)	CONTEMPLATED
Antelope or Deer Hunting Licenses)	

TO ALL INTERESTED PERSONS:

1. At its first meeting after the 16th day of March, 1977, the State Fish and Game Commission proposes to amend Rule 12-2.6(1)-S660 as follows: (new material is underlined, deleted material is interlined)

12-2.6(1)-S660 ESTABLISHMENT OF PRIORITY FOR LANDOWNERS
IN ISSUANCE OF ANTELOPE OR DEER HUNTING LICENSE (1)

Subject to the provisions hereinafter stated, in the establishing of special seasons or areas for the hunting of antelope or in the establishing of permit seasons or areas for the hunting of deer, and in the issuance of permits or licenses therefor, the Department of Fish and Game will issue such licenses or permits to landowners as hereinafter defined, before conducting any drawing for eligibility for issuance of same in accordance with the following:

(a) Each landowner shall be issued such license or permit upon application therefor; provided that not to exceed fifteen percent (15%) of the number of licenses or permits established for any hunting district will be made available to eligible landowners ~~residing within the district~~. If applications from such landowners exceed said fifteen percent (15%), the said limited number of landowner licenses or permits will be issued by a drawing system. Priority will be given to applicants who did not receive a permit the immediate preceding year. When the fifteen percent (15%) quota has been filled, the remaining applicants will participate in the drawing established for the general public.

(b) For purposes of this regulation, a landowner shall be deemed to be the owner, of record, of 160 acres or more of real property which is primarily for agricultural purposes ~~and which property is regularly inhabited by antelope or deer, respectively~~. Lessees shall not qualify as landowners. Where the real property is held jointly or in common by several persons, only one (1) of said joint or common owners shall be entitled to the preference herein established or said owners may

designate any other person as entitled to their preference if such other person is a member of their immediate family or is employed by such owner or owners as a ranch manager or in a similar capacity. No preference may be granted to a landowner if the hunting area is totally public land.

2. The proposed amendment modifies Rule 12-2.6(1)-S660 currently found on page 12-18 in the Montana Administrative Code.

3. Interested parties may submit their data, views or arguments covering the proposed amendment in writing to Robert F. Wambach, Director, Department of Fish and Game, Capitol Station, Helena, Montana 59601. Written comments, in order to be considered, must be received by not later than the 16th day of March, 1977.


4. If any person directly affected wishes to express his data, views or arguments orally or in writing at a public hearing, he must make a written request for a public hearing and submit this request, along with any written comments, to Dr. Wambach at the above stated address prior to the 16th day of March, 1977.

5. If the director receives requests for a public hearing on the adoption of the foregoing amendment from twenty-five (25) or more persons directly affected, a public hearing will be held at a later date. Notification will be given of the date and time of the hearing.

6. Ten percent (10%) of those persons directly affected have been determined to be in excess of 25.

7. The authority of the State Fish and Game Commission to make the proposed rule is based upon Section 26-104.3, R.C.M. 1947.

Dated this 4th day of February, 1977.


Robert F. Wambach
State Fish and Game Director
Secretary to the Commission

BEFORE THE STATE FISH AND GAME COMMISSION
OF THE STATE OF MONTANA

In the Matter of the Amendment) NOTICE OF PUBLIC HEARING
of Rule 12-2.10(14)-S10190) FOR AMENDMENT OF RULE
Relating to Water Safety) 12-2.10(14)-S10190
Regulations) (Water Safety Regulations)

1. On June 16, 1977, at 7:30 p.m., a public hearing will be held at the Billings Rod and Gun Club off Airport Road in Billings, Montana, and on June 17, 1977, at 7:30 p.m., a public hearing will be held in Hardin at a location to be announced to consider the amendment of Rule 12-2.10(14)-S10190 to include a portion of the Bighorn River with waters presently closed to boats propelled by machinery of over 10 horsepower.

2. The proposed amendment modifies present Rule 12-2.10(14)-S10190 found in the Montana Administrative Code on page 12-46.

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

Rule 12-2.10(14)-S10190 WATER SAFETY REGULATIONS

(1)(a) same.

(b) The following waters are closed to the use of all boats propelled by machinery of over 10 horsepower, except in cases of use for search and rescue, official patrol, or for scientific purposes:

(i) same.

(ii) Other waters of the state as follows:

Beaver Creek Reservoir - Hill County
Bighorn River from Yellowtail Dam afterbay to
the Yellowstone River - Big Horn and Yellowstone
Counties

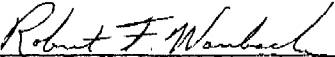
(c) through (e) same.

4. Interested persons may present their data, views, or arguments, orally or in writing, at the hearing.

5. Don Malmberg of Helena, Montana, has been designated by the Fish and Game Commission to preside over and conduct the hearing.

6. The authority of the State Fish and Game Commission to make the proposed rule is based upon Section 26-104.9, R.C.M. 1947.

Dated this 12th day of May, 1977.


Robert F. Wambach, Director
Department of Fish & Game
Secretary to the Commission

BEFORE THE STATE FISH AND GAME COMMISSION
OF THE STATE OF MONTANA

In the Matter of the Amendment) NOTICE OF AMENDMENT OF
of Rule 12-2.22(1)-S22030) RULE
Relating to Grizzly Bear Policy) NO PUBLIC HEARING
) CONTEMPLATED

TO ALL INTERESTED PERSONS:

1. On the 8th day of August, 1977, the Montana Fish and Game Commission proposes to adopt Rule 12-2.22(1)-S22030 as follows: (delete present wording and insert the following)

12-2.22(1)-S22030 GRIZZLY BEAR POLICY (1) WHEREAS, the Montana Fish and Game Commission has management authority for the grizzly bear, a resident wildlife species, and is dedicated to the preservation of grizzly bear populations within the state of Montana; and WHEREAS, secure habitat for the grizzly has been greatly reduced as a result of the human development and population growth from 1850 through 1950 in the bear's traditional range in all western states; and WHEREAS, a significant portion of the remaining grizzly bear habitat and population is located in Montana and these Montana populations occur in wildlands such as wilderness, primitive areas, de facto wilderness areas, national forests, national parks, Indian reservations, and, seasonally, on adjacent private lands. NOW, THEREFORE, in order to promote the preservation of the grizzly bear in its native habitat, the Montana Fish and Game Commission establishes the following policy guidelines for Montana Department of Fish and Game action when dealing with grizzly bear.

(a) Habitat. The Montana Department of Fish and Game shall work to perpetuate and manage grizzly bear in suitable habitats of this state for the welfare of the bear and the enjoyment of the people of Montana and the nation. In performing this work, the Department should consider the following:

(i) The Montana Fish and Game Commission has the responsibility for the welfare of the grizzly and advocates the protection of the bear's habitat.

(ii) Management of Montana's wildlands, including the grizzly bear habitat, is predominantly, but not exclusively, a responsibility of various federal agencies and private landowners.

(iii) Land use decisions made by these agencies and individuals affect grizzly bear habitat, thus cooperative

programs with these agencies and individuals are essential to the management of this species.

(iv) Preservation of wildlands is critical to the protection of this species and the Fish and Game Commission advocates wildland preservation in occupied grizzly bear habitat, and

(v) While some logging may not be detrimental to grizzly habitat, each logging sale in areas inhabited by grizzly bear should be carefully reviewed and evaluated.

(b) Research. It is recognized by the Montana Fish and Game Commission that research on the habitat requirements and population characteristics of the grizzly bear is essential for the welfare of the species. Departmental research programs and proposals directed at defining those habitat requirements are encouraged and supported.

(c) Hunting and Recreational Use. The Montana Fish and Game Commission recognizes its responsibility to consider and provide for recreational opportunities as part of a grizzly bear management program. These opportunities shall include sport hunting, recreational experiences, aesthetics of natural ecosystems and other uses consistent with the overall welfare of the species.

The department should consider the variability of values between individuals, groups, organizations, and agencies when management programs for various grizzly bear populations are developed.

Sport hunting is considered the most desirable method of balancing grizzly bear numbers with their available habitat, minimizing depredations against private property within or adjacent to grizzly bear habitat, and minimizing grizzly bear attacks on humans.

(d) Depredations. Contacts between grizzly bear and humans, or property of humans require delicate handling and careful consideration. When these contacts reach the stage for definite action, the following actions should be carried out:

(i) Grizzly bear, in the process of threatening or endangering human life, shall be captured or dispatched immediately.

(ii) Where no immediate threat to human life exists, individual bear encounters with humans shall be evaluated on a case-by-case basis and when the attack is abnormal or apparently unprovoked, the individual bear involved shall be captured or dispatched.

(iii) When the attack is normal (e.g. a female defending her cubs, any bear defending its food, or any bear defending itself) but the situation leads itself to no reasonable possibility of leaving the bear in place, then the bear should be removed.

(iv) Grizzly bear committing depredations that do not directly endanger human life but that are causing property losses shall be evaluated on an individual case basis.

(v) Where removal is determined to be the best resolution to the problem, depredating or nuisance bear shall be trapped, and if determined to be suitable for transplanting, shall be marked and released in suitable habitat previously approved with appropriate land management agencies.

(vi) Reasonable efforts shall be made to inform the public of the transplant program, fully explaining the reasons for the capturing and locations of the release areas.

(vii) Upon request by an authorized scientific investigative agency or public zoological institution, a captured bear may be given to that agency or institution for appropriate nonrelease research purposes. A reasonable charge may be required to cover costs of handling.

Depredating grizzly bear that are not suitable for release or research because of old age, acquired behavior, disease, or crippling, shall be killed and sent to the department's research facilities for investigation. The public shall be fully informed when these actions are taken and the reasons for these actions shall be fully explained.

(e) Coordination. The department shall consult with appropriate federal agencies and comply with applicable federal rules and regulations in implementation of this policy.

2. The proposed Rule modifies Rule 12-2.22(1) -S22030 currently found on page 12-73 in the Montana Administrative Code.

3. Interested parties may submit their data, views, or arguments covering the proposed rule in writing to Robert F. Wambach, Ph.D., Director, Department of Fish and Game, 1420 East 6th Avenue, Helena, Montana 59601. Written comments in order to be considered must be received by not later than the 5th day of August, 1977.

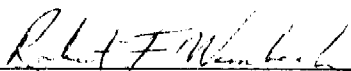
4. If any person directly affected wishes to express his data, views, or arguments orally or in writing at a public hearing, he must make a written request for a public hearing and submit this request, along with any written comments, to Dr. Wambach at the above stated address prior to the 1st day of August, 1977.

5. If the Director receives requests for a public hearing on the adoption of the foregoing rule from 25 or more persons directly affected, a public hearing will be held at a later date. Notification will be given of the date and time of the hearing.

6. Ten percent (10%) of those persons directly affected has been determined to be in excess of 25.

7. The authority of the State Fish and Game Commission to make the proposed rule is based upon Section 26-103.1, R.C.M. 1947.

Dated this 26th day of May, 1977.



Robert F. Wambach, Director
Department of Fish and Game
Secretary to the Commission

Title 16
Health and Env.
Sciences

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the adoption	)	NOTICE OF PROPOSED ADOPTION
of rule MAC 16-2.6(6)-S6150,	)	OF RULE MAC 16-2.6(6)-S6150
and amendment of rules MAC	)	AND AMENDMENT OF RULES MAC
16-2.6(6)-S650, 16-2.6(6)-	)	16-2.6(6)-S650, 16-2.6(6)-
S6010, 16-2.6(6)-S6090 and	)	S6010, 16-2.6(6)-S6090 and
16-2.6(6)-S6140, relating to	)	16-2.6(6)-S6140
records of fetal death, birth,	)	(Records of fetal death,
death, dissolution or invalida-	)	birth, death, dissolution
tion of marriage, and induced	)	or invalidation of
abortion	)	marriage, induced abortion)
		NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On April 14, 1977, the Department of Health and Environmental Sciences (Department) proposes to adopt MAC 16-2.6(6)-S6150, relating to fetal death report forms, and amend MAC 16-2.6(6)-S650, 16-2.6(6)-S6010, 16-2.6(6)-S6090 and 16-2.6(6)-S6140, relating to forms for records of birth, death, dissolution or invalidation of marriage, and induced abortion, respectively.

2. The proposed rule adoption and amendments are for the purpose of including within the rules the forms to be utilized by the Department for reporting of births, deaths, and fetal deaths and of conforming to nationwide standards the presently published forms utilized for reporting dissolution or invalidation of marriage and induced abortion. None of the above forms will be utilized by the Department until January 1, 1978, in order to coordinate with the conversion of other states' records bureaus to the same or similar forms after that date. Copies of the proposed forms are available from John Wilson, Records and Statistics Bureau, Capitol Station, Helena, Montana, 59601.

3. Summaries of the proposed forms follow:

MAC 16-2.6(6)-S6150. This new rule will contain a form for reporting fetal deaths, including medical factors contributing to death and sociological and medical information on the parents.

MAC 16-2.6(6)-S650. A copy of the birth certificate will be added to the present rule. The major change is that a question about the marital status of the parents will be included.

MAC 16-2.6(6)-S6010. A copy of the death certificate

will be added to the present rule. The revised certificate includes a question whether the decedent was ever in the armed forces and places the cause of death section at the bottom of the certificate so that it may be easily omitted, if desired, when certified copies are issued.

MAC 16-2.6(6)-S6090. In recognition of recent changes in laws relating to marriage and its dissolution, the rule and the form will now refer to dissolution and invalidation of marriage rather than to divorce and annulment, and will eliminate reference to which spouse was granted the decree (both are granted the decree under present law). The new form eliminates reference to the occupations of husband and wife, and adds questions about educational level attained, whether any prior marriages ended in death or dissolution or annulment, and the name of the petitioner's attorney.

MAC 16-2.6(6)-S6140. The abortion reporting form is being revised to incorporate features of the standard report adopted by the National Center for Health Statistics. The form will now include an item on educational attainment and allow notation of all procedures used for termination of pregnancy, if more than one was used. It also eliminates reference to fetus weight and length, as well as the reason for the abortion.

4. Interested parties may submit their data, views or arguments concerning the proposed rule changes in writing to John Wilson, Records and Statistics Bureau, Capitol Station, Helena, Montana, 59601.

5. If a person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for public hearing and submit this request along with any written comments he has to John Wilson at the address noted above. If the Department receives requests for a public hearing on the proposed rules from more than ten percent or twenty-five or more persons directly affected, or from a governmental agency, or from an organization with twenty-five or more members who are directly affected, a public hearing will be held at a later date.

6. The authority of the Department to make the proposed rule is based on Section 69-4403, R.C.M. 1947.

A. C. Knight
A. C. KNIGHT, M.D., Acting Director

Certified to the Secretary of State March 17, 1977

BEFORE THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF PUBLIC HEARING
of rule MAC 16-2.14(1)-S1490,) FOR AMENDMENT OF RULE
relating to open burning) MAC 16-2.14(1)-S1490
(Open Burning)

1. On June 27, 1977, at 1:30 p.m., a public hearing will be held in Rooms 142-143, Cogswell Building, Capitol Complex, Helena, Montana, to consider proposed amendments of rule MAC 16-2.14(1)-S1490 relating to open burning. The proposed amendments would replace present rule MAC 16-2.14(1)-S1490 found in the Montana Administrative Code.

2. The amendment proposed by the Flathead County Commissioners adds an additional paragraph which would give them sole discretion to permit burning for a period of not less than thirty (30) days at and during permissible ventilation dates from March 1 to May 15 in any calendar year.

3. The amendment proposed by the Department of Health and Environmental Sciences would impose new standards upon the operation of open burns including measures to retard the emission of smoke and ashes and to exempt certain kinds of open burning from this rule.

4. Rule MAC 16-2.14(1)-S1490 as proposed to be amended by the Department of Health and Environmental Sciences is as follows (matter to be stricken is interlined, new material is underlined):

"16-2.14(1)-S1490 OPEN BURNING RESTRICTIONS (1) No person shall cause, suffer, ~~allow or permit~~ or allow an open outdoor fire ~~except under the following conditions~~, unless an air quality permit has been obtained, except as specified under subsection (3). Reasonable precautions shall be taken to keep the area of the burn within the confines for which the permit was given. Reasonable measures shall be taken to eliminate smoke when the purpose for which the fire was set has been accomplished. A permit shall be allowed only under the following conditions:

(a) When such fire is set or permission for such fire is given in the performance of the official duty of a public officer: ~~and in the opinion of the control officer is necessary~~.

(i) For the purpose of the elimination of a fire hazard which cannot be ~~abated~~ eliminated by any other means.

(ii) For instruction in methods of fighting fires, provided the material burned shall not be allowed to smolder after the initial burn has been completed. Facilities to

put the fire completely out shall be on hand and used by the responsible fire control officer until all smoldering has ceased. The responsible fire control officer shall not leave the scene of the burn until all smoking debris has been clearly extinguished and no smoking or smoldering occurs.

~~(iii) -- For the purpose of removing any hazardous material.~~

(b) When such fire is set in the course of an essential agricultural operation in the growing of crops or in the course of accepted forestry practices, provided no public nuisance is created, ~~and provided a permit has been secured from the control officer.~~

(c) When fires are set for a clearing of land for new roads, power lines, subdivisions, dams, and other similar projects, ~~under conditions stipulated in writing by the control officers and after having applied for and received a permit for such open fire from the control officer.~~

~~(d) -- When salamanders or other devices are used for heating by construction or other workers, provided no public nuisance is created and provided no tires, oily rags, or other materials producing dense smoke are burned.~~

~~(e) (d) When burning materials originating on the premises by individuals residing on the premises, materials to be burned originate on an individual's premises, excluding commercial, industrial and institutional establishments, where no provision is available by private hauler providing a public service or a tax supported service for collection of the material being burned the material to be burned and no public nuisance is created, but not including chicken litter, animal droppings, garbage, dead animals, tires, waste oil, tarpaper, and similar materials creating dense smoke when burned and after having applied for and received a permit from the control officer.~~

~~(f) -- When fires are used for outdoor cooking or other recreational purposes and no public nuisance is created.~~

(2) A control officer may require that alternate methods to open burning be practiced. The alternate method may be specified in the permit.

(3) An air quality permit is not required under the following conditions:

(a) When small fires are used for outdoor cooking and other recreational purposes and no public nuisance is created.

(b) When salamanders or other devices are used for heating by construction or other workers and no public nuisance is created and provided no tires, or any rags, or other materials producing dense smoke are burned.

~~(2) (4) No person shall cause, suffer, allow, or permit an open fire for the purpose of conducting a salvage operation, after July 17, 1969.~~

~~Until July 17, 1969, fires may be set for preparing salvage material for the scrap market under the following~~

conditions:

- ~~(a) -- Authority is granted by the control officer.~~
- ~~(b) -- No automobile tires shall be burned.~~
- ~~(c) -- Burning shall be done between the hours of 12:00 noon and 5:00 p.m.~~
- ~~(d) -- Burning shall be conducted only if it shall not constitute a public nuisance.~~

(a) Persons conducting salvage operations where cutting torches or other procedures are employed that may cause a fire shall provide adequate fire control facilities at the site.

~~(3) (5) No person shall cause, suffer, allow, or permit the disposal of trade waste by open burning, except as provided further in this section, that the department may permit such burning in a device or devices equivalent to an air curtain destructor, air swift pit incinerator or a similar device which can be demonstrated to emit smoke not darker than one Ringelmann or of equivalent opacity. The operator of such devices or system must show adequate knowledge of the procedure to assure correct starting, operation, and ending of the burn; not create a public nuisance or fire hazard; and must have applied for and received a permit from the department to construct and operate the destructor or pit.~~

(6) Reasonable precautions shall be taken to prevent ashes, soot, cinders, dust, or other particulate matter or odors incidental to burning from extending beyond the property line of the person allowed to burn under this rule.

(7) Chicken litter, animal droppings, garbage, dead animals or parts of dead animals, tires, pathogenic wastes, explosives, oil, railroad ties, tarpaper, or toxic wastes shall not be disposed of by open burning.

~~The open burning of trade wastes may be permitted where it can be shown by a person that such open burning is absolutely necessary and in the public interest. Any person intending to engage in open burning of trade wastes shall file a request to do so with the control officer.~~

~~The application shall state the following:~~

- ~~(a) -- The name, address, and telephone number of the person submitting the application.~~
- ~~(b) -- The type of business or activity involved.~~
- ~~(c) -- A description of the proposed equipment and operating practices, the type, quantity, and composition of trade wastes to be burned, and the expected composition and amount of air contaminants to be released to the atmosphere.~~
- ~~(d) -- The schedule of burning operations.~~
- ~~(e) -- The exact location where open burning will be used to dispose of trade waste.~~
- ~~(f) -- Reasons why no method other than open burning can be used for disposal of trade waste.~~
- ~~(g) -- Evidence that the proposed open burning has been approved by any fire department or other fire control officer which may have jurisdiction.~~

(8) Reasonable precautions shall be taken to initiate and complete all burning under this rule during periods of good ventilation.

(9) All reasonable measures shall be taken to extinguish any burning under this rule which is creating a public nuisance.


(10) Reasonable precautions shall be taken to prepare and store all material to be burned under this rule in a clean, dry condition."

5. The paragraph proposed by the county commissioners to be added to rule MAC 16-2.14(1)-S1490 is as follows:

"(4) The county commissioners shall have sole discretion to permit burning for a period of not less than thirty (30) days at and during permissible ventilation dates from March 1 to May 15 in any calendar year, provided that the ventilation index on the day such burning takes place shall not exceed minimum standards established in Kalispell and Billings. (U. S. Weather Bureau to serve as monitor guide.)"

6. Interested persons may present their data, views, or arguments, whether orally or in writing, at the hearing.

7. The authority of the Board to make the proposed amendment is based on Section 82-1202, R.C.M. 1947.


JOHN W. BARTLETT, Board Chairman

Certified to the Secretary of State May 4, 1977

Title 18

Highways

BEFORE THE DEPARTMENT OF HIGHWAYS
OF THE STATE OF MONTANA

In the matter of the adoption)
of Rule 10-2.6AI(14)-S6340)
relating to outdoor advertis-)
ing regulations.)

NOTICE OF PROPOSED
ADOPTION OF RULE
10-2.6AI(14)-S6340
relating to outdoor
advertising regulations.

NO PUBLIC HEARING
CONTEMPLATED

TO: All Interested Persons

1. On July 14, 1977, the Department of Highways and the Highway Commission propose to adopt Rule 10-2.6AI(14)-S6340 relating to Outdoor Advertising regulations pertaining to secondary roads placed on primary system.

2. The proposed new rules to be adopted are as follows:

"10-2.6AI(14)-S6340 OUTDOOR ADVERTISING REGULATIONS TO APPLY TO RECENTLY DESIGNATED PRIMARY ROUTES" (1) The Montana Highway Commission has removed certain highway routes from the Federal Aid Secondary System and placed them on the Federal Aid Primary System. Outdoor advertising signs along the aforementioned routes visible from the primary system are controlled by regulations contained in MAC 10-2.6AI(14)-S6210 through MAC 10-2.6AI(14)-S6330 and the statutory restrictions contained in the Montana Outdoor Advertising Act, Sections 32-4715 through 32-4723, R.C.M. 1947. Permits for the foregoing signs must be secured from the Department pursuant to MAC 10-2.6AI(14)-S6230. Applications for permits must be received by the Department by December 2, 1977.

(2) Information regarding the routes which have been placed on the Federal Aid Primary System may be obtained at any of the Department of Highways Field Offices located in Missoula, Butte, Great Falls, Glendive and Billings, and from the Helena Headquarters office."

3. Data, views, and arguments relating to the proposed amendments and adoptions may be submitted to the Department of Highways, Sixth and Roberts, Helena, Montana 59601, at any time prior to July 14, 1977.

4. If a person directly affected wishes to express his data, views or arguments orally or in writing at a public hearing, he must make a written request for a public hearing and submit this request along with any written comments he has to the Director of Highways, Sixth and Roberts, Helena, Montana 59601 on or before the 14th day of July 1977.

5. If ten percent (10%) or twenty-five (25) or more persons directly affected request a public hearing, a public hearing will be held upon appropriate notice in the Administrative Register.

MAC Notice No. 10-2-10

6- 6/24/77

(2)

6. Fifty (50) persons directly affected constitutes ten percent (10%) for purposes of sub-section five (5) of this notice.

7. The authority for the Department and Commission to make the proposed rule changes is based upon Section 32-4713, R.C.M. 1947.


Director of Highways

Certified to the Secretary of State, June 9, 1977.

6-6/24/77

Title 22
Community
Affairs

Chapter 14

Coal, Board of

BEFORE THE COAL BOARD
STATE OF MONTANA

In the matter of the amend-)	NOTICE OF PUBLIC HEARING
ment of Rule 22-3.14(6)-)	FOR AMENDMENT OF RULE MAC
S1430 requiring a citation)	22-3.14(6)-S1430
to a section of the Revised)	(PRE-APPLICATION FORM)
Codes of Montana 1947, on)	
the Pre-Application Form)	
(LIF 1-75))	

TO: All Interested Persons

1. On May 12, 1977 at 9:00 A.M., a public hearing will be held in Room 119 of the Ramada Inn, Mallowney Lane and Interstate 90, Billings, Montana, by the Coal Board to consider an amendment of Rule MAC 22-3.14(6)-S1430 relating to information required in its Pre-Application Form (LIF 1-75).

2. The proposed amendment is for the purpose of requiring the Pre-Application Form to include a citation to a section of the Revised Codes of Montana 1947, authorizing the applicant to make an expenditure for the proposed governmental service or facility.

3. The rule as amended will read as follows (matter to be stricken is interlined, new matter is underlined):

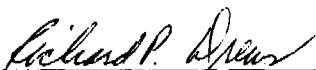
'22-3.14(6)-S1430 PRE-APPLICATION FORM
(LIF 1-75) (1) To evaluate and establish priorities among those who may qualify for grants. Items to be considered are a description of the proposed project, estimated cost, projected completion date and the project's relationship to coal development. ~~Form available from Administrative Officer:~~

'(2) It shall include a citation to the Revised Codes of Montana 1947, which authorizes the applicant to make expenditures to provide for the particular governmental service or facility. Form available from Administrative Officer.'

4. Interested parties may present their views, whether orally or in writing, at the hearing.

5. B. J. "Swede" Goodheart, Chairman of the Coal Board, is designated to preside over and conduct the hearing.

6. The authority for the Coal Board to adopt the proposed rule is based on Section 50-1806, R.C.M. 1947.


Richard P. Drews
Acting Administrative Officer
Coal Board

Certified to the Secretary of State April 11, 1977

Title 23

Justice

Chapter 14
Crime Control,
Board of

BEFORE THE BOARD OF CRIME CONTROL
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF
of Rule 23-3.14(10)-S14050,) PROPOSED AMENDMENT OF
) RULE 23-3.14(10)-S14050
) (Certification of instruc-
) tors; amend to: Qualifica-
) tions for certification
) of law enforcement academy
) and training courses.)
NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On March 17, 1977, the Board of Crime Control proposes to amend rule 23-3.14(10)-S14050.

2. The reason for the proposed amendment is to completely revise and update procedures and courses concerning peace officers' standards and training. A complete copy of the Rule may be obtained by contacting the Board of Crime Control, 1336 Helena Avenue, Helena, Montana 59601.

3. Among the issues to be considered is whether the proposed amendment will best serve law enforcement and its fair and equal application throughout the state.

4. Interested parties may submit their data, views or arguments concerning the proposed amendments in writing to Mr. Clayton Bain, Executive Director, P.O.S.T. Advisory Council, Board of Crime Control, 1336 Helena Avenue, Helena, Montana 59601. Written comments in order to be considered must be received no later than March 15, 1977.

5. If a person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to Mr. Bain on or before March 15, 1977.

6. If the board receives requests for a public hearing on the proposed amendments from more than ten percent (10%) or twenty-five or more persons directly affected, a public hearing will be held at a later date.

7. The authority of the department to make the proposed amendment is based on Section 82A 1207, R.C.M. 1947, as amended, and Section 11-1814, R.C.M. 1947, as amended.


(Administrator)

Certified to the Secretary of State February 4, 1977.

BEFORE THE BOARD OF CRIME CONTROL
OF THE STATE OF MONTANA

In the matter of the amendment)
of Rule 23.3.14(10)-S14060,)
) PROPOSED AMENDMENT OF
) RULE 23.3.14(10)-S14060
) (Certification of Schools;
) amend to: Qualifications
) for Instructors.)
NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On April 14, 1977, the Board of Crime Control proposes to amend rule 23.3.14(10)-S14060.

2. The reason for the proposed amendment is to completely revise the peace officers' standards and training from certification of schools to qualifications of instructors. A complete copy of the Rule may be obtained by contacting the Board of Crime Control, 1336 Helena Avenue, Helena, Montana 59601.

3. Among the issues to be considered is whether the proposed amendment will best serve law enforcement and its fair and equal application throughout the state.

4. Interested parties may submit their data, views or arguments concerning the proposed amendments in writing to Mr. Clayton Bain, Executive Director, P.O.S.T. Advisory Council, Board of Crime Control, 1336 Helena Avenue, Helena, Montana 59601. Written comments in order to be considered must be received no later than April 14, 1977.

5. If a person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to Mr. Bain on or before April 14, 1977.

6. If the board receives requests for a public hearing on the proposed amendments from more than ten percent (10%) or twenty-five or more persons directly affected, a public hearing will be held at a later date.

7. The authority of the department to make the proposed amendment is based on Section 82A 1207, R.C.M. 1947, as amended, and Section 11-1814, R.C.M. 1947, as amended.


(Administrator)

Certified to the Secretary of State March 17, 1977.

Title 24

Labor & Industry

Chapter 8
Personnel
Appeals, The
Board of

BEFORE THE DEPARTMENT OF LABOR
AND INDUSTRY, BOARD OF PERSONNEL APPEALS
OF THE STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT	)	NOTICE OF PROPOSED AMENDMENT
OF RULE 24-3.8(14)-S8090	)	OF RULE 24-3.8(14)-S8090
SPECIFYING THE PERIOD IN WHICH	)	(Petitions for Decertifica-
A DECERTIFICATION PETITION MAY	)	tion) NO PUBLIC HEARING
BE FILED	)	CONTEMPLATED

TO: All Interested Persons

1. On June 14, 1977, the Board of Personnel Appeals proposes to amend Rule 24-3.8(14)-S8090, which now allows for the decertification of a bargaining unit comprised of school employees to be filed not more than ninety (90) days before, and not less than sixty (60) days before April 1 of the year the employees are seeking decertification.

2. The amended rule would permit decertification of a bargaining unit comprised of school employees to be done also upon the termination date of the contract. The rule as amended would read as follows (new matter is underlined):

"Rule 24-3.8(14)-S8090. Petition for Decertification

(1) Filing. (a) A petition for decertification of an exclusive representative shall be filed by an employee, a group of employees, or a labor organization, provided that twelve (12) months have elapsed since the last election.

(b) The petition must be filed not more than ninety (90) days before, and not less than sixty (60) days before the termination date of the previous collective bargaining agreement, or upon the terminal date thereof.

(c) A petition seeking decertification of a bargaining unit comprised of school employees, may only be filed not more than ninety (90) days before and not less than sixty (60) days before April 1 of the year the employees are seeking decertification, or upon the terminal date of the existing contract.

(d) The original petition shall be signed by the petitioner(s) or their authorized representative.

(e) The original petition and five (5) copies of the petition shall be filed with the Board.

(f) The petition shall contain:

(i) The name and address of petitioner(s).

(ii) A statement that the labor organization that has been certified or is currently being recognized by the employer as bargaining representative no

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longer represents the interests of the majority of the employees in the unit.

(iii) The name of the labor organization, if any, which claims to be the majority representative.

(iv) A description of the bargaining unit involved and the approximate number of employees.

(v) Any other relevant facts.

(g) The petition shall be accompanied by proof, consisting of authorization cards, or copies thereof, which have been individually signed and dated within six (6) months prior to the filing of the petition that thirty percent (30%) of the employees in the unit do not desire to be represented by the existing exclusive representative.

(h) The Board shall serve a copy of the petition upon the labor organization(s) concerned, and upon the public employer.


3. The Board of Personnel Appeals proposes the change on the basis that the change will make the decertification period for bargaining units composed of school employees more comparable to the decertification period for nonschool employees.

4. Interested parties may submit their data, views, or arguments concerning the proposed amendment in writing to Jerry Painter, Staff Attorney, Board of Personnel Appeals, 1417 Helena Avenue, Helena, Montana 59601. Written comments in order to be considered must be received by not later than June 10, 1977.

5. If a person directly affected wishes to express his data, views, and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to Mr. Painter on or before June 10, 1977.

6. If the Board receives requests for a public hearing on the proposed rule amendment from twenty-five or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.

7. The authority of the Board to make the proposed rule is based on section 59-1613(4), R.C.M. 1947.


Brent Cromley, Chairman
Board of Personnel Appeals

Certified to the Secretary of State May 10, 1977.

Chapter 10

Employment
Security
Division

EMPLOYMENT SECURITY DIVISION
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amend-	)	NOTICE OF PROPOSED
ment of Rule 24-3.10(18)-S10250	)	AMENDMENT OF RULE
relating to Notice to Employers	)	(Experience Rating)
of Classification and Rate.	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Interested Persons

1. On April 14, 1977, the Employment Security Division, Department of Labor and Industry, proposes to amend MAC 24-3.10(18)-S10250 by eliminating the reference to MAC 24-3.10(18)-S10240.

2. MAC 24-3.10(18)-S10250 as proposed to be amended is as follows (matter to be stricken is interlined, new matter is underlined):

MAC 24-3.10(18)-S10250 NOTICE TO EMPLOYERS OF CLASSIFICATION AND RATE (1) The division shall notify all employers as soon as possible after January 1 of each year of the group and rate assigned to each employer. ~~as determined by Rule-MAC-24-3.10(18)-S10240.~~ Such notice shall be sent by regular mail addressed to the last known post office address of each such employer as the same appears on the division records. The group and rate of contribution thus assigned shall be final for all purposes unless the employer files a written request for a redetermination or hearing of such classification within thirty (30) days after the receipt of such notice. Upon receipt of such written request Rules MAC 24-3.10(6)-P1030 to MAC 24-3.10(6)-P1050 shall govern the conduct of hearings resulting from such requests.

3. Among the issues to be considered by the division is whether the proposed rule will adequately comply with the provisions of the law.

4. Interested parties may submit their data, views or arguments concerning the proposed amendment in writing to Moody Brickett, Attorney, Employment Security Division, P. O. Box 1728, Helena, Montana, 59601. Written comments in order to be considered must be received no later than April 14, 1977.

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5. If a person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to Mr. Brickett on or before April 14, 1977.

6. If the division receives requests for a public hearing on the proposed rule from more than ten percent (10%) or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.

7. The authority of the division to make the proposed rule is based on Section 82-4203, Sec. 87-109(c), R.C.M. 1947.

Fred Barrett

FRED BARRETT, Administrator

Certified to the Secretary of State March 7, 1977.

Title 26

State Lands

BEFORE THE BOARD OF LAND COMMISSIONERS
OF THE STATE OF MONTANA

In the matter of the adop-)	NOTICE OF PUBLIC HEARING
tion of MAC Rules setting)	FOR ADOPTION OF COAL
forth procedures for)	LEASING RULES
leasing of state-owned)	
coal lands)	

To: All Interested Persons

1. On Monday, May 23, 1977, at 9:30 a.m., a public hearing will be held in the House Chambers, Capitol Building, Helena, Montana, to consider the adoption of the rules listed above, regarding leasing of state lands for coal mining.

2. The proposed rules do not replace or modify any section currently found in the Montana Administrative Code.

3. A summary of the proposed rules follows. A complete copy of the proposed rules may be obtained by contacting the Department of State Lands, Capitol Station, Helena, Montana 59601.

Rule 1 GENERAL PROVISIONS Describes the structure and function of the Board of Land Commissioners.

Rule 2 DEFINITIONS Defines key words and phrases.

Rule 3 ADMINISTRATIVE DETAILS AND INFORMATION Describes where to obtain lease information and where to send lease payments.

Rule 4 LAND AVAILABLE FOR LEASING Describes the lands and sizes of tracts available for leasing.

Rule 5 WHO MAY LEASE FOR COAL--QUALIFIED LESSEES Describes who is eligible to lease state lands for coal.

Rule 6 PROCEDURES FOR ISSUE OF LEASE Provides that coal lands will not be leased until statutory requirements of Section 81-501(1) are fulfilled; describes process by which tracts are offered for lease; describes notices required before lease offerings; and describes bidding procedures.

Rule 7 TERM OF LEASE Provides that leases will be issued for ten years and so long thereafter as coal is produced in commercial quantities; provides that leases not producing in commercial quantities at end of the ten-year primary term will terminate unless lease is then included

within a strip mine permit or a mine site location permit.

Rule 8 FORM AND PROVISIONS OF LEASE Provides that leases will be issued on a lease form approved by the Board.

Rule 9 RENTALS Provides that rental will be not less than \$2.00 per acre of land leased.

Rule 10 ROYALTIES Provides that the royalty will be not less than 10% of the f.o.b. mine price of the coal, and that the payment for royalty coal is to accompany a monthly report of production submitted each month for the preceding month.

Rule 11 ASSIGNMENTS AND TRANSFERS Provides that assignments will be permitted but are subject to Board approval; describes procedures.

Rule 12 BONDING REQUIREMENTS Provides that lessee will have to provide lease bond in amount determined by Board.

Rule 13 IMPROVEMENTS OF FORMER LESSEE Provides for purchase of lease improvements by new lessee and sets forth procedures if former lessee and new lessee can't agree on price.

Rule 14 SURRENDER OF LEASE Provides that a lease may be surrendered at any time by mutual consent of lessee and state.

Rule 15 FORFEITURE, CANCELLATION AND TERMINATION OF LEASES Provides for cancellation of leases after written notice and time allowed for correction of default. Also provides for termination for sale of coal to foreign interest.

Rule 16 OPERATING AGREEMENTS Allows lessee to enter into operating agreements and requires filing of such agreements for Board approval.

Rule 17 OPERATIONS ON STATE LEASES Conditions all leases on compliance with applicable reclamation laws, prohibits waste of coal, provides for inspections by Department, and provides for disposition of improvements upon termination of lease.

Rule 18 HEARINGS AND APPEALS Provides for informal hearings before Board of Land Commissioners on lease matters.

Rule 19 RECORDS Describes how and where the minutes of the Board of Land Commissioners' meetings are kept and

may be obtained.

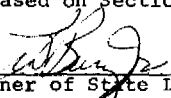
Rule 20 FEES Lists fees assessed for various filings.

Rule 21 AMENDMENT OF RULES Provides that the rules may be amended in accordance with the Montana Administrative Procedure Act.

4. Interested persons may present their data, views or comments, whether oral or written, at the hearing. Written testimony will be received at the office of the department through May 31, 1977.

5. Leo Berry, Jr., Commissioner of State Lands, will preside over the hearing.

6. The authority of the Board of Land Commissioners to make the proposed adoption is based on Section 81-507, R.C.M. 1947.



Commissioner of State Lands

Certified to the Secretary of State 4-13-77, 1977.

Title 32

Livestock

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment)	
of rules 32-2.6A(26)-S6020,	
32-2.6A(26)-S6025 and)	NOTICE OF PROPOSED
32-2.6A(26)-S6060 to clarify)	AMENDMENT OF RULES
and change certain require-)	32-2.6A(26)-S6020
ments relating to brucellosis)	32-2.6A(26)-S6025
testing.)	32-2.6A(26)-S6060
	(Brucellosis Testing)
)
	NO PUBLIC HEARING
	CONTEMPLATED
)

TO: ALL INTERESTED PERSONS

1. On March 17, 1976 the Board of Livestock proposes to amend rules 32-2.6A(26)-S6020, 32-2.6A(26)-S6025 and 32-2.6A(26)-S6060 to clarify and change requirements relating to brucellosis testing.

2. The proposed amendment to rule 32-2.6A(26)-S6020 adds two definitions to that rule as follows:

(16) "Person" is an individual, partnership, corporation, trust or any other entity capable of owning livestock.

(17) "Investment cattle" are cattle owned by a person whose primary occupation is not the production of livestock, or who serves as an investment service for persons whose primary occupation is not the production of livestock, which are held on premises other than those of the owner and are managed by a person other than the owner.

3. The proposed amendments to rule 32-2.6A(26)-S6025 are designed to (a) clarify the department's power to order an official test for brucellosis at a change of ownership, or premises for investment cattle; (b) remove the requirement that animals entered for show or exhibition be tested for brucellosis; (c) clarify the responsibility of the seller to secure a change of ownership test; (d) provide for the waiver of a test at a change of ownership when there is no change of premise, there is a history of complete vaccination, the herd has remained closed, and there is no evidence of brucellosis exposure or infection, and (e) require a test on investment

2-2/25/77

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cattle as defined earlier in this notice when they move to non-contiguous premises. The affected portions of rule 32-2.6A(26)-S6025 as it is proposed to be amended as follows (matter to be stricken is interlined, new matter is underlined):

32-2.6A(26)-S6025 TESTING OF ANIMALS

(1) no change

(2) The department may order the official testing of animals for brucellosis when such a test is required under the terms of section (3) of this rule and has not been performed at the time the change of ownership or when the change of premises of investment cattle occurred. The expense of bleeding shall be met by the person in possession of the livestock at the time the test is ordered.

(3) Any cattle, including investment cattle, capable of breeding which are twenty-four (24) months of age and over and female swine and boars six (6) months of age and over, not consigned for immediate slaughter or to an out of state destination which ~~are offered for sale, or presented for show or exhibition,~~ change ownership or, in the case of investment cattle, are moved from one premises to another non-contiguous premise, shall

(a) Be determined to be negative as the result of an official test for brucellosis performed not more than thirty (30) days prior to the date sold or moved ~~shown or exhibited,~~ as evidenced by an official brucellosis test form of the department showing the results of that test; or

(b) Be from bovine herds certified to be brucellosis-free under the provisions of Rule 32-2.6A(26)-S6100 or porcine herds validated as brucellosis-free under the provisions of Rule 32-2.6A-S6110.

(c) Animals otherwise required to be tested under this section which were not tested because they were consigned for immediate slaughter or to an out-of-state destination shall not be diverted from

those destinations unless and until such animals are found negative to an official test for brucellosis evidenced by an official brucellosis test form of the Department showing the results of that test, and are not, under this subchapter, otherwise determined to be exposed animals.

(d) Cattle eligible for test under section ~~(2)~~ (3) of this rule which were tested as part of a complete herd test within the past six months to which no cattle other than breeding bulls and herd progeny have been added ~~within the past six (6) months~~ and in which no reactors were identified, as evidenced by an official brucellosis test form of the department showing the results of that test, are exempt from the test requirements of section ~~(2)~~ (3) of this rule.

(e) Cattle otherwise eligible for test under section (3) of this rule which have changed ownership without changing premises and are part of a herd (i) to which no cattle have been added other than natural increase or herd bulls for at least two years, (ii) which have a history of complete vaccination for all eligible cattle and (iii) which have shown no indication of brucellosis infection, or recent exposure thereto, may be exempted from the requirements of section (3) of this rule by the state veterinarian.

(f) The seller or, in case of investment cattle, the investor, or his agent shall be responsible for arranging the test required by section (3) of this rule. The cost of bleeding for this test shall be met by the seller or the investor, unless other arrangements for such payment have been made which are satisfactory to the person performing the bleeding.

4. The amendments to rule 32-2.6A(26)-S6060 provide that the cost of retesting suspects that are not part of a quarantined herd will be born by the herd owner. Rule 32-2.6A(26)-S6060 as proposed to be amended is as follows (new matter is underlined):

32-2.6A(26)-S6060 QUARANTINE AND RETEST OF SUSPECT ANIMALS IN NEGATIVE HERD Animals which are determined to be suspects as the result of an official test in an otherwise negative herd shall be quarantined by the Department to specified premises. They shall remain under quarantine until they are determined to be negative animals as the result of an official test performed at owner's expense not less than thirty (30) days from and after the initial test establishing suspect status, or two (2) official tests performed at owner's expense subsequent to the initial test establishing suspect status performed not less than thirty (30) days apart, which do not display equivocal results warranting the further classification of the animals as suspects or redesignation of the animals as reactors. Failure of the owner of such a herd, or his agent, to present suspect animals for retest pursuant to order of the Department may result in a quarantine and retest of the entire herd, unless such animals are sold for slaughter by official release and identified for diagnostic tissue collection. Suspect animals quarantined under the provisions of this rule shall be moved and disposed of while under quarantine pursuant to and in accordance with Rule 32-2.6A(26)-S6050.

5. Among the issues to be considered by the Board are whether the proposed amendments adequately protect the public and animal health and whether the requirements of the amendments should be strengthened or relaxed.


6. Interested parties may submit their data, views or arguments concerning the proposed amendments in writing to Glenn C. Halver, D.V.M., State Veterinarian, Department of Livestock, Capitol Station, Helena, MT. 59601. Written comments must be received by March 16, 1977 in order to be considered.

7. If a person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to

Dr. Halver on or before March 16, 1977.

8. If the department receives requests for a public hearing from more than twenty five persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.

9. The authority of the department to make the proposed rule is based on sections 46-208 and 46-211 R.C.M. 1947.


ROBERT G. BARTHELMESS,
Chairman
Board of Livestock

Certified to the Secretary of State February 14, 1977.

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the adoption)
of rules relating to the test-)
ing, identification, and dis-) NOTICE OF PROPOSED
posal of equidae for Equine) ADOPTION OF RULES
Infectious Anemia.) (Equine Infectious Anemia)

) NO PUBLIC HEARING
) CONTEMPLATED

TO: ALL INTERESTED PERSONS

1. On March 17, 1977 the Board of Livestock proposes to adopt rules relating to the testing, identification, and disposal of equidae for Equine Infectious Anemia. There are presently no rules specifically related to this subject.

2. The proposed rules provide as follows:

Rule I Definitions in this subchapter.

(1) "EIA" means equine infectious anemia.

(2) "Equida" means an individual of the species commonly known as horse, mule, ass, donkey or zebra.

(3) "Official test" means the agar-gel immunodiffusion (AGID) test commonly called the Coggins test, or any other serological test approved by the United States Department of Agriculture for the detection of EIA. To be considered an official test the blood sample must be drawn by a U.S.D.A. accredited veterinarian and the test be performed in a U.S.D.A. approved laboratory.

(4) "Reactor Animal" means any equida found to be infected with EIA as the result of an official test.

Rule II Identification of tested and reactor animals.

(1) Any equida tested for EIA shall be identified at the time of test (a) by placing on the official test chart a complete and detailed

description of the animal including coloration, distinct markings on feet or bodies, sex, age, and any permanent man made identifications placed on the animal and (b) by placing mane or tail tags on the animal which corelate the animal to the test sample and chart. Such tags must be capable of remaining on the animal in a readable fashion for a minimum of ten days.

(2) An animal found to be an EIA Reactor as a result of an official test shall be further identified by placing on either side of the neck, in symbols at least 2 inches high, the hot iron brand 81A followed by such other numbers as may be assigned by the department of livestock. Branding of an EIA reactor must occur no more than 14 days after the animal is designated as a reactor.

Rule III Restriction on disposal of reactor animal.

No animal found to be a reactor to an official test for EIA shall be moved, sold, given away, or destroyed except upon prior written permission of the department.

3. Among issues to be considered are whether the proposed rules provide adequate protection to non exposed equida.

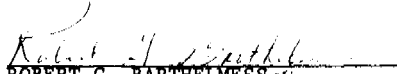
4. Interested parties may submit their data, views or arguments concerning the proposed amendments in writing to Glenn C. Halver, D.V.M., State Veterinarian, Department of Livestock, Capitol Station, Helena, MT. 59601. Written comments must be received by March 16, 1977 in order to be considered.

5. If a person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any wirtten comments he has to Dr. Halver on or before March 16, 1977.


6. If the department receives requests for a public hearing from more than twenty five persons directly affected,

a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.

7. The authority of the department to make the proposed rule is based on sections 46-208 and 46-211 R.C.M. 1947.


ROBERT G. BARTHELMESS
Chairman
Board of Livestock

Certified to the Secretary of State February 14, 1977.

2-2/25/77 

MAC NOTICE NO. 32-2-22

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment)
of Rules 32-2.10(6)-S1060 and)
32-2.10(6)-S1080 and the) NOTICE OF PROPOSED AMEND-
adoption of a new rule relating) MENT OF RULES 32-2.10(6)-
to hearing requirements for) S1060 and 32-2.10(6)-S1080
livestock market changes.) AND THE ADOPTION OF A NEW
) RULE.
)
) (Livestock Market Hearings)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: ALL INTERESTED PERSONS

1. On March 17, 1977 the Board of Livestock proposes to amend rules 32-2.10(6)-S1060 and 32-2.10(6)-S1080 and to adopt a new rule relating to hearings on livestock market changes. Present rules require approval on changes to be made after hearing. The thrust of the proposed rule making activity is to reduce the number and type of hearings required when a livestock market changes hands, location, tariffs, etc.

2. The proposed amendment to rule 32-2.10(6)-S1060 removes requirements for hearing as follows (matter to be stricken is interlined, new material is underlined):

32-2.10(6)-S1060 CHANGES IN OPERATION OF
MARKET

(1) ~~Each~~ The owner of a licensed livestock market must immediately notify the Department of Livestock ~~Brands-Enforcement-Division~~ of any changes in ownership, management, control, ~~tariff charges~~, operation, the regular sale day or location of the market. All changes shall be subject to the prior approval of the Department of Livestock, ~~-Brands-Enforcement-Division~~.

(2) ~~All-certificate-transfers-and-all-other transfers-or-changes-in-the-operation-of-the market-which-require-the-approval-of-the Montana-Department-of-Livestock,-Brands-Enforcement-Division,-shall-be-conducted by-hearing-thereon-upon-notice-setting-forth the-nature-of-the-transfer-or-change,-the~~

2-2/25/77

MAC NOTICE NO. 32-2-23

~~time and date of said hearing and where said hearing will be held, and such notice shall be given as provided by Section 46-909, R.C.M., 1947, and upon public notice to be posted at the auction market affected at least ten (10) days before the hearing thereon, and such other public notice as the Montana Department of Livestock, Brands Enforcement Division shall determine.~~

(2) Changes which result in ownership or control of the market passing to persons not already approved by the Department of Livestock to operate the market shall be given approval only after public hearing before the Department of Livestock.

(3) All other changes may be approved without a public hearing, provided that whenever the Board of Livestock deems it in the interest of the livestock industry, the Board may order a public hearing to be held.

3. The new rule provides for the procedures to be followed in obtaining departmental approval. It tentatively will be numbered Rule 32-2.10(6)-S1061 and reads as follows:

32-2.10(6)-S1061 PROCEDURES FOR OBTAINING DEPARTMENTAL APPROVAL OF MARKET CHANGE

(1) All requests for approval of changes in the ownership, management control, operations, regular sale day, or location of a livestock auction market shall be submitted to the Department of Livestock in written petition form setting forth the facts of the changes and requesting Departmental approval. Any necessary supporting data may be submitted as attachments to the petition.

(a) In the event that a change in ownership or control is involved, supporting data shall include:

(i) Current financial statements of the

market and of those persons acquiring ownership or control, prepared by a certified public accountant or a licensed public accountant; and

(ii) Executed copies of any contracts bearing on the change of ownership or control.

(b) In the event that the changes involve a relocation of the market facility supporting data shall include:

(i) A detailed copy of construction plans of the new facility; and

(ii) Proof that the new location and construction plans have been approved by the Water Quality Bureau, Montana Department of Health and Environmental Sciences, and meet any other regulatory requirements which may be applicable.

(2) The Department may require such other information and documents relating to the changes as it deems necessary.

(3) In the event that a hearing is required, under Rule 32-2.10(6)-S1060, at least (10) days notice shall be given to all persons who are recipients of notice under section 46-909, R.C.M. 1947, and to all persons who have previously advised the Department in writing of their interest in such matters. A copy of the notice shall be posted at the market in a conspicuous place easily accessible to the public for a period of not less than ten (10) days before the hearing.

(4) A hearing held under this subchapter shall be conducted according to the contested case provisions of the Montana Administrative Procedures Act (sections 82-4201 et seq.) and any rules promulgated thereunder:

4. Rule 32-2.10(6)-S1080 relates to changing bond requirements. As proposed it reads as follows (material to be stricken is interlined, new material is underlined):

32-2.10(6)-S1080 REVIEW OF BOND REQUIREMENTS

(1) The Montana Department of Livestock, Brands-Enforcement Division shall annually review the bond of any licensed market and increase or decrease the amount of the bond required in the operation of said market. ~~The Montana Department of Livestock, Brands-Enforcement Division shall conduct a hearing, after giving reasonable notice to the affected market, before any order is made to increase or decrease the amount of the bond required in the operation of said market.~~

(2) Any market aggrieved by a Department ordered change in its bonding requirements may request a hearing before the Department by written petition. Such a hearing shall be conducted as a contested case under the Montana Administrative Procedures Act.

5. Among issues to be considered is whether or not the reduction in required hearings properly protects the livestock industry.


6. Interested parties may submit their data, views or arguments concerning the proposed amendments and new rule in writing to Les Graham, Administrator, Brands-Enforcement Division, Department of Livestock, Capitol Station, Helena, MT. 59601. Written comments must be received by March 16, 1977 in order to be considered.

7. If a person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for public hearing and submit this request along with any written comments he has to Mr. Graham on or before March 16, 1977.


8. If the department receives requests for a public hearing from more than twenty five persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.

9. The authority of the department to make the proposed rule is based on sections 46-907 and 46-211 R.C.M. 1947.

(5)


ROBERT G. BARTHELMESS
Chairman
Board of Livestock

Certified to the Secretary of State February 14, 1977.

2-2/25/77 

MAC NOTICE NO. 32-2-23

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the adoption)	
of rules relating to the test-	)	NOTICE OF PUBLIC HEARING
ing, identification, and dis-	)	FOR ADOPTION OF RULES
posal of equidae for Equine	)	RELATING TO EQUINE
Infectious Anemia.	)	INFECTIOUS ANEMIA
)	

TO: ALL INTERESTED PERSONS

1. On February 25, 1977 the Department of Livestock published Montana Administrative Code Notice number 32-2-22 in the Montana Administrative Register. That notice covered the proposed adoption without prior public hearing of rules relating to the control of Equine Infectious Anemia in horses and similar animals. Since that date requests for public hearing have been received by more than 25 persons directly affected. The Department is therefore ordering a public hearing in this matter.

2. On April 21, 1977, a public hearing will be held in the Highway Auditorium, Department of Highways Building, Capitol Complex, Helena, Montana, at 1:30 p.m., to consider the adoption of rules related to the control of Equine Infectious Anemia (EIA).

3. The proposed rules do not modify or replace any rule currently found in the Montana Administrative Code.

4. The proposed rules provide as follows:

Rule I DEFINITIONS. In this subchapter,

(1) "EIA" means equine infectious anemia.

(2) "Equida" means an individual of the species commonly known as horse, mule, ass, donkey or zebra.

(3) "Official test" means the agar-gel immunodiffusion (AGID) test commonly called the Coggins test, or any other serological test approved by the United States Department of Agriculture for the detection of EIA. To be considered an official test the blood sample must be drawn by a U.S.D.A. accredited veterinarian and the test be

performed in a U.S.D.A. approved laboratory.

(4) "Reactor Animal" means any equida found to be infected with EIA as the result of an official test.

Rule II. Identification of tested and reactor animals.

(1) Any equida tested for EIA shall be identified at the time of test (a) by placing on the official test chart a complete and detailed description of the animal including coloration, distinct markings on feet or bodies, sex, age, and any permanent man made identifications placed on the animal and (b) by placing mane or tail tags on the animal which correlate the animal to the sample and chart. Such tags must be capable of remaining on the animal in a readable fashion for a minimum of ten days.

(2) An animal found to be an EIA Reactor as a result of an official test shall be further identified by placing on the off main side of the neck, in symbols at least 2 inches high, the hot iron brand 81A followed by such other numbers as may be assigned by the department of livestock. Branding of an EIA reactor must occur no more than 14 days after the animal is designated as a reactor.

Rule III. Restriction on disposal of reactor animal.

No animal found to be a reactor to an official test for EIA shall be sold or given away, except upon prior written permission of the department. The owner of a reactor animal shall notify the department immediately upon the death of that animal.

5. These rules do not require the quarantine of reactor animals, nor do they make any additional requirements for testing than now are imposed as import tests, or tests required by fairs or horse shows. The only conditions on the handling of animals identified as EIA reactors contemplated by these rules require departmental approval before a reactor

animal can change ownership, and prompt notification to the department after death of a reactor. These requirements are proposed to enable the department to keep track of reactor animals and reactor brand numbers.

6. Among issues to be considered are whether, rules affecting EIA should be adopted, at all, and if so, whether these rules are sufficient.

7. Interested parties may present their data, views or arguments, whether orally or in writing at the hearing.

8. The hearing will be before Gene Donaldson, member of the Board of Livestock, duly appointed as hearing officer.

9. The authority of the department to make the rules is based on section 46-208, R.C.M. 1947.


ROBERT G. BARTHELMESS
Chairman
Board of Livestock

Certified to the Secretary of State March 17, 1977.

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment)	
of rule 32-2.6A(78)-S6330 to	)	NOTICE OF PROPOSED
add a psuedorabies requirement	)	AMENDMENT OF RULE
on the importation of breeding	)	32-2.6A(78)-S6330
swine.)	
	)	(Psuedorabies Import
	)	Requirements)
	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: ALL INTERESTED PERSONS

1. On or after April 14, 1977 the Board of Livestock proposes to amend Rule 32-2.6A(78)-S6330 IMPORTATION REQUIREMENTS to add a requirement that all breeding swine imported to Montana be declared free of psuedorabies. Psuedorabies is a viral encephalitis causing infertility, abortion, still birth, and death in swine.

2. The proposed amendment is being made at the request of the Montana Pork Producers Council in order to prevent importation of the disease into Montana. The proposed language would be added to subsection (22) of rule 32-2.6A(78)-S6330 and is as follows:

- "(c) With regards to psuedorabies, all breeding swine 4 months of age and over must:
 - (i) be negative to a serum neutralization (SN) test or any other U.S.D.A. approved test for detection of psuedorabies, administered not more than 30 days before importation, and
 - (ii) be from a swine herd which the inspecting veterinarian can certify as having had no clinical evidence of psuedorabies in the previous 12 months."

3. Among issues to be considered are whether these import requirements are sufficient to protect the health status of the Montana Swine Industry.

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

Glenn C. Halver, D.V.M., State Veterinarian, Department of Livestock, Capitol Station, Helena, MT. 59601. Written comments must be received by April 14, 1977 in order to be considered.

5. If a person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to Dr. Halver on or before April 14, 1977.

6. If the department receives requests for a public hearing from more than twenty five persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.

7. The authority of the department to make the proposed rule is based on section 46-208, R.C.M. 1947.


ROBERT G. BARTHELMESS
Chairman
Board of Livestock

Certified to the Secretary of State March 17, 1977.

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the adoption)
of rules relating to the) NOTICE OF PROPOSED ADOPTION
issuance of brand inspection) OF RULES
certificates and certain)
transportation permits.) (Brand Inspections and
Transportation Permits)
)
) NO PUBLIC HEARING CONTEMPLATED
)

TO: ALL INTERESTED PERSONS

1. On July 25, 1977, the Board of Livestock proposes to adopt rules relating to the issuance of brand inspection certificates, transportation permits for livestock moving from one county into an adjacent county for purposes of grazing, and transportation permits for cattle moving into Montana border counties for grazing purposes. The transportation permits may be used in lieu of otherwise required brand inspecting. There are presently no rules specifically related to these subjects.

2. The proposed rules provide as follows:

Rule I Presentation of Livestock For Brand Inspection -
Length of Time Inspection Effective

(1) All livestock presented to a state stock inspector or a deputy stock inspector for a brand inspection shall be inspected during daylight hours. No livestock may be inspected while on vehicles, except when the inspector can read safely all marks and brands and such animals are on an open truck or in a horse trailer.

(2) Such an inspection shall permit the movement of livestock from the place of inspection immediately to the destination shown on the inspection certificate. No diversion or off-loading of the livestock will be permitted without further inspection, except for purposes of feed or water, provided there is no livestock at such a place with which the livestock on the vehicle can mix or mingle. The inspection certificate shall permit the movement of livestock

identified thereon for no more than 36 hours after time of issue.

Rule II Requirements For Obtaining County Line Grazing Permits

(1) Livestock moved under a county line grazing permit issued pursuant to section 46-801.2(5)(d), shall be hot iron branded with a brand recorded in Montana to the owner of the livestock.

(2) A grazing association may impose conditions to be placed on such permits including a requirement that livestock be individually inspected prior to entering or leaving the common grazing area.

Rule III Import Transportation Permit

Transportation permits authorized by Section 46-801.5 shall be valid only on livestock moved from a county outside of Montana into an adjacent county within Montana and shall permit the movement of such livestock into Montana only once.

3. Among issued to be considered as whether these proposals enhance protection against livestock loss or improper importation.

4. The rationale for each of these proposals is as follows:

Proposed Rule I. This is a clarification of brand inspection procedures now generally followed by custom, but which are occasionally ignored, thereby permitting the movement of livestock not lawfully in the control of the shipper.

Proposed Rule II. This rule is required to implement the provisions of HB 669. That act establishes a permit system for the movement of livestock across a county line to be used in lieu of the brand inspection presently needed.

Proposed Rule III. HB 136 requires all livestock imported into the state to be brand inspected after entry but before mingling with native stock. The act provides an exception to that inspection for state line operators, who will be able to move their livestock into Montana for purposes of grazing under

a permit. This rule is required to implement the provisions of this Act.

5. Interested parties may submit their data, views or arguments concerning the proposed amendments in writing to Les Graham, Administrator, Brands-Enforcement Division, Department of Livestock, Capitol Station, Helena, MT. 59601. Written comments must be received by July 25, 1977, in order to be considered.

6. If a person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to Mr. Graham on or before July 25, 1977.

7. If the department receives requests for a public hearing from more than twenty five persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.

8. The authority of the department to make the proposed rules is based on sections 46-104, 46-802, and 46-801.5, R.C.M. 1947.

Robert G. Barthelmess
ROBERT G. BARTHELMLESS, Chairman
Board of Livestock

Certified to the Secretary of State June 14, 1977.

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the adoption)
of rules relating to notices) NOTICE OF PUBLIC HEARING FOR
about brand mortgages.) PROPOSED ADOPTION OF RULES
)
) (Notices about Brand Mortgages)
)

TO: ALL INTERESTED PERSONS

1. On July 15, 1977, at 10:00 a.m. a public hearing will be held in the second floor assembly room of the Northern Hotel, Broadway and 1st Avenue N., Billings, Montana, to consider the adoption of rules relating to the filing of notices of security agreements, assignments, renewals, and satisfaction on livestock with the Department of Livestock.

2. The proposed rules do not replace or modify any section currently found in the Montana Administrative Code.

3. The proposed rules are as follows:

Rule I. Fees For Filing Notices Regarding Security Agreements.

Every person filing notice of a security agreement, assignment, renewal or satisfaction pursuant to section 52-319 shall pay a fee of eight dollars for each brand listed. The fee shall be paid by check or money order made payable to the Department of Livestock. No filing with the department shall be processed without the fee being paid.

Rule II. Renewal Requirements.

No filing of notice of security agreement, assignment or renewal shall be valid more than five years after the date of filing unless a renewal notice has been filed with the department not more than six months before nor more than sixty days after the fifth anniversary of the filing of such notice.

4. Rule I is designed to implement the provisions of HB 135 which changed the fee for filing notice relating to livestock security agreements from \$2 to actual cost not to exceed \$15. The bill mandates that the fee be set by rule. Careful analysis of costs related to the processing of security agreement filings in the Helena office and in each of the eighteen livestock markets has indicated a cost of about \$8.30 per filing. For rounding purposes the figure of \$8.00 has been selected.

Rule II is proposed for adoption to clarify renewal requirements and make them consistent with the provisions of the Uniform Commercial Code relating to the length of validity of security interest filings.

5. Interested persons may present their data, views or arguments whether orally or in writing at the hearing.

6. The hearing will be before the Board of Livestock, Robert G. Barthelmess, Chairman, presiding.

7. The authority of the department to make these rules is found in section 46-104, and 52-322 as amended by HB 135 (Chapter 11 Laws of Montana, 1977).

Robert G. Barthelmess (h. 18)
ROBERT G. BARTHELMESS, Chairman
Board of Livestock

Certified to the Secretary of State, June 14, 1977.

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment)
of rules 32-2.6A(26)-S6020) NOTICE OF PROPOSED
32-2.6A(26)-S6050 and) AMENDMENTS TO RULES
32-2.6A(26)-S6150, relating) 32-2.6A(26)-S6020
to Brucellosis control.) 32-2.6A(26)-S6050
) 32-2.6A(26)-S6150
) (Brucellosis Control)
) NO PUBLIC HEARING
) CONTEMPLATED
)

TO: ALL INTERESTED PERSONS

1. On July 25, 1977 the Board of Livestock proposes to amend rules 32-2.6A(26)-S6020, 32-2.6A(26)-S6050 and 32-2.6A(26)-S6150, relating to definitions of official vaccinations release from quarantine of certain calves, the "S" branding of non reactor cattle leaving quarantined herds, and the type of forms upon which to report brucellosis tests.

2. The proposed amendment to rule 32-2.6A(26)-S6020 would change the definition of item (7) as follows:

(7) "Proper permanent identification" of officially vaccinated animals shall include ~~one or more of~~ the following forms of identification recorded on form SV-64;

(a) The United States registered "Shield and V" applied in the right ear of the animal. The "Shield and V" shall be preceded by a numeral indicating the quarter of the year and followed by the last digit of the year in which the official vaccination was performed; ~~or~~ and

(b) ~~A brand or earmark as specified in Rule 32-2.6A(22)-S6010 applied to the animal as provided in sub-sections (iii), (iv), (v) thereof or~~

The U.S.D.A. approved metal vaccination eartag placed in the right ear.

(c) ~~The recording of a registered animal's ear-tattoo for breed-registration purposes~~

with the Department.

In the event that the right ear is of insufficient size to accommodate the tattoo and eartag, because of injury or identification ear marking, they may be placed in the left ear.

3. The proposed amendments to Rule 32-2.6A(26)-S6050 are summarized as follows:

(a) Non reactor animals leaving a quarantined herd, which under the rule can only go to slaughter, either directly, or after sale through an approved livestock market, or placement into an approved quarantined feedlot will be required to (i) be branded on the left jaw with a hot iron "S" brand at least two inches high or (ii) if moving directly to an approved slaughter facility from the farm, ranch of origin, or approved market, may be moved in a sealed truck to the slaughter destination without the "S" brand.

(b) The maximum age at which calves from negative dams can be released from quarantine will be raised from to 8 months from the present 6 months age requirement.

4. Rule 32-2.6A(26)-S6150 will be amended to read as follows:

{1} The results of all brucellosis tests made on animals shall be reported in writing on ~~a~~ an approved form {Form SV-41} by the person making such tests to the State Veterinarian within ~~seven~~ {7} days after test results have been determined.

5. The amendments to rules 32-2.6A(26)-S6020 and 32-2.6A(26)-S6050 are undertaken to bring Montana rules into compliance with changed federal brucellosis Uniform Methods and Rules requirements. The change in proper vaccination identification should result in no additional cost to producers, as the tags are supplied at no cost to accredited veterinarians. Producers and others handling female cattle will be benefitted because the orange vaccination eartag required under the rule allows identification of vaccinated animals at a distance and

without chute procedures. The "S" brand requirement is already followed and will result in no new costs or burdens. The extension to 8 months for the release of calves from quarantined herds will benefit the owners of such animals by allowing them 2 months more growth before losing eligibility for release.

6. The change in rule 32-2.6A(26)-S6150 will be to delete reference to an obsolete reporting form.

7. Interested parties may submit their data, views or arguments concerning the proposed amendments in writing to Glenn C. Halver, D.V.M., Administrator & State Veterinarian, Animal Health Division, Department of Livestock, Capitol Station, Helena, MT. 59601. Written comment must be received by July 25, 1977, in order to be considered.

8. If a person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to Dr. Halver on or before July 25, 1977.

9. If the department receives requests for a public hearing from more than twenty five persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.

10. The authority of the department to make the proposed rules is based on section 42-208, R.C.M. 1947.

Robert G. Barthelmess
ROBERT G. BARTHELMESS
Chairman
Board of Livestock

Certified to the Secretary of State June 14, 1977.

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the adoption)	
of rules relating to quaran-	)	NOTICE OF PROPOSED
tine release when the quaran-	)	ADOPTION OF RULES
tineable disease is psuedo-)	
rabies.	)	(Psuedorabies)
)	
	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: ALL INTERESTED PERSONS

1. On July 25, 1977, the Board of Livestock proposes to adopt rules relating to quarantine releases for psuedorabies, an encephalitic disease of swine.

2. The proposed rule will become a part of Chapter 6A subchapter 2, "Animals Affected With A Communicable or Dangerous Disease; General Provisions", and reads as follows:

"Swine herds and the quarantined premises where they are located, quarantined pursuant to this subchapter as a consequence of exposure to or infection, with psuedorabies may be released from quarantine upon:

(1) A negative response to the Serum Naturalization (SN) or other approved test for psuedorabies made upon all swine in the quarantined herd over 4 months of age and performed at least 60 days after the last clinical sign of psuedorabies has been detected in the herd and the last reactor animals have been removed, or

(2) The death of all quarantined animals through euthanization or through removal directly to an approved slaughter destination without first passing through an auction market or a buying station or other concentration point where exposure to other livestock could result. Animals so moved to slaughter must be accompanied by a quarantine release issued by the department.

(3) The removal of some or all psuedorabies

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quarantined swine to other premises specifically approved on a case by case basis by the state veterinarian to receive these animals. The approved premises may or may not be already under quarantine for pseudorabies.

The following conditions must be met:

(a) The animals are moved to the approved receiving premises under and accompanied by a permit issued for this purpose by the department. The permit shall set forth appropriate conditions for the transfer and for the handling of the swine at the approved receiving premises.

(b) Animals fed at the approved receiving premises are moved directly to slaughter by special permit pursuant to subsection 2 of this rule after reaching an acceptable condition for slaughter.

(c) All other animals in the approved receiving premises, if not so already, are placed under quarantine subject to quarantine release pursuant to subsections 1, 2, and 4 of this rule.

(d) Any animals remaining in the original quarantine premise be released from quarantine only after compliance with subsections 1, 2, and 4 of this rule.

(4)(a) In any event the quarantine premises must be cleaned and disinfected in a manner approved by the department as a condition for quarantine release.

(b) The vehicles used for transporting swine to the approved receiving premise shall be cleaned and disinfected in a manner approved by the Department of Livestock before used in the further transportation of any livestock.

(5) The department may order the disposal by slaughter of any reactor swine.

3. This rule is proposed in response to requests from the

Montana swine industry. While the impact of the disease in Montana had been minimal up to this time, pseudorabies has caused considerable economic loss in areas outside of Montana, and is now coming into focus as one of the most significant current disease threats to swine. There are yet significant scientific uncertainties regarding the prevention, treatment and cure of this disease. The proposed rule is designed, in the face of scientific uncertainty, to provide adequate means for prevention of further exposure and infection once a diseased animal or herd is discovered, and to still provide a method of minimizing to the extent possible, the economic loss suffered by a quarantined operator.

4. Interested parties may submit their data, views or arguments concerning the proposed rule in writing to Glenn C. Halver, D.V.M., Administrator & State Veterinarian, Animal Health Division, Department of Livestock, Capitol Station, Helena, MT. 59601. Written comments must be received by July 25, 1977, in order to be considered.

5. If a person directly affected wishes to express his data views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to Dr. Halver on or before July 26, 1977.

6. If the department receives requests for a public hearing from more than twenty five persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.

7. The authority of the department to make the proposed rules is based on section 42-208, R.C.M. 1947.

Robert G. Barthelmess (by)
ROBERT G. BARTHELMESS
Chairman
Board of Livestock

Certified to the Secretary of State June 14, 1977.

Title 36
Natural
Resources &
Conservation

BEFORE THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
STATE OF MONTANA

In the matter of the amendment	) NOTICE OF PROPOSED
of Rule 36-2.8(18)-S8110 relating	) AMENDMENT OF RULES
to Alternative Renewable Energy	) 36-2.8(18)-S8110
Source Grants	) NO PUBLIC
	) HEARING CONTEMPLATED

To: All Interested Persons

1. On May 16, 1977, the Department of Natural Resources and Conservation proposes to amend Rule 36-2.8(18)-S8110 relating to Alternative Renewable Energy Source Grant Application submittal deadlines.

2. The Rule proposed to be amended is as follows (new matter is underlined):

36-2.8(18)-S8110 APPLICATION SUBMITTAL
DEADLINES. Applications shall be submitted
from January 1 through February 15 and from
July 1 through August 15.

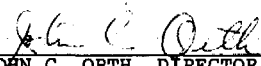
3. Interested parties may submit their data, views, or arguments concerning the proposed amendments in writing to Charles Greene, Program Manager, Alternative Energy Program, Department of Natural Resources and Conservation, 32 South Ewing, Helena, Montana 59601. Written comments in order to be considered must be received by not later than May 13, 1977.

4. If a person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit his request along with any written comments he has to Mr. Greene on or before May 13, 1977.

5. If the Department receives requests for a public hearing on the proposed rule from more than ten percent (10%), or twenty-five or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.

(2)

6. The authority of the Department to make the proposed amendments is based on Section 84-7410, R.C.M. 1947.



JOHN C. ORTH, DIRECTOR
Department of Natural Resources
and Conservation

Certified to the Secretary of State April 11, 1977.

4-4/25/77  MAC Notice No. 36-2-7

Chapter 18
Oil & Gas Cons.,
Board of

BEFORE THE BOARD OF
OIL AND GAS CONSERVATION
STATE OF MONTANA

In the matter of the amendment	)	NOTICE OF PUBLIC HEARING
of Rule MAC 36-3.18(10)-S18020	)	FOR AMENDMENT TO RULE
relating to notice of intention	)	MAC 36-3.18(10)-S18020
and permit to drill (oil and gas	)	(NOTICE OF INTENTION AND
wells)	)	PERMIT TO DRILL)

To: All Interested Parties

1. On April 21, 1977, at 9:00 a.m., the Board of Oil and Gas Conservation will conduct a public hearing in the Executive Room of the Colonial Hilton, Helena, Montana, to consider the adoption of rules to amend Rule MAC 36-3.18(10)-S18020, Notice of Intention and Permit to Drill; Completion and Recommendation.

2. The rule will be amended by adding a new subsection (b) to MAC Rule 36-3.18(10)-S18020 (4) and by numbering the initial paragraph of MAC Rule 36-3.18(10)-S18020 (4) as subsection (a) and the new rule will read as follows (new matter to be added is underlined):

(4) (a) If the notice complies in all respects with the applicable rules and regulations of the Board, a permit shall be issued promptly by the Petroleum Engineer or his authorized agent. If drilling is not commenced, no such permit to drill shall be valid after the expiration of a period of (90) days from the date of the issuance thereof by the Board or its authorized agents unless application for an extension of time, in writing, is made therefor by the permittee. No more than one 90-day extension shall be granted, and any permittee who fails to commence drilling within the 90-day period of the permit or the 90-day extension, if granted, must file a new Notice of Intention to Drill and pay the fee therefor. If the notice does not comply in all respects with such rules and regulations, said notice shall be disallowed, and the Petroleum Engineer or his authorized agent shall promptly notify the person of the reason or reasons for such disallowance.

3-3/25/77

MAC Notice No. 36-3-18-8

(b) In the event the notice applies to a gas well to be drilled or recompleted at a location and to a formation, zone or depth which is unitized under a unit agreement approved by the Board of Oil and Gas Conservation pursuant to R.C.M. Section 60-131 to 60-131.13, and as to which all applicable well spacing rules and orders, excepting well location rules and orders applicable to exterior boundaries, shall have been removed, the applicant shall be entitled to a drilling or recompletion permit for such well only after filing an eligibility statement acceptable to the Petroleum Engineer. Such eligibility statement shall justify the need for the drilling of the new well or the performance of the recompletion operation into the subject reservoir and shall include geologic and engineering evidence as may be necessary for the Petroleum Engineer to determine that the new well or the recompletion operation is needed. The Petroleum Engineer shall make a written finding as to the sufficiency of the eligibility statement, including the need for the new well or the recompletion operation. Should the Petroleum Engineer fail to consider the notice and eligibility statement under this subsection within ten days of filing thereof, or should the Petroleum Engineer determine that the eligibility statement is deficient in any respect, the applicant may apply to the Board for a determination of the need for the new well or the recompletion operation, and a hearing on such application shall be held without delay in a manner identical with applications for re-hearing under Rule 319.


3. Interested persons may submit their data, views or arguments concerning the proposed rules, whether orally or in writing, at the hearing.

4. Interested persons may also present their data, views, comments or arguments on the proposed rule in writing by submitting them to Mr. Donald Chisholm, Administrator, Division of

(3)

Oil and Gas Conservation, 325 Fuller Avenue, Helena, Montana, 59601, on or before April 20, 1977.

5. The authority of the Board to adopt the proposed rule is based on Section 60-128, R.C.M. 1947.



ADMINISTRATOR, DIVISION OF OIL AND
GAS CONSERVATION, DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION

Certified to the Secretary of State, March 14, 1977.

BEFORE THE BOARD OF
OIL AND GAS CONSERVATION
STATE OF MONTANA

In the matter of the amendment)	NOTICE OF PROPOSED AMENDMENT
of Rule 36-3.18(6)-S18010(1))	OF RULES 36-3.18(6)-S18010
(s), 36-3.18(10)-S18050, and)	(1)(s), 36-3.18(10)-S18050,
36-3.18(14)-S18380 to clarify)	and 36-3.18(14)-S18380
the definition of "cubic foot)	
of gas" and to allow producers)	
to furnish a cash bond in the)	
form of a certificate of)	
deposit.)	NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Parties

1. On August 18, 1977 at Kalispell, Montana, the Board of Oil and Gas Conservation proposes to amend Rules 36-3.18(6)-S18010(1)(s), 36-3.18(10)-S18050, and 36-3.18(14)-S18380, relating to a definitional change of the term "cubic foot of gas" and allowing producers to furnish a cash bond in the form of a certificate of deposit.

2. The rules proposed to be amended are as follows (new matter is underlined, matter to be stricken is interlined):

36-3.18(6)-S18010 DEFINITION OF TERMS. (1) Unless the context otherwise requires, the words defined shall have the following meaning when found in these rules, to-wit:

(s) "cubic foot of gas" shall mean the volume of gas contained in one cubic foot of space at a standard pressure base and a standard temperature base. The standard pressure base shall be ~~15.025~~ 14.73 pounds per square inch absolute and the standard temperature base shall be 60 degrees fahrenheit.

36-3.18(10)-S18050 BOND TO BE FURNISHED. (1) The Board, except as hereinafter provided, shall require from the owner a good and sufficient bond on either Form No. 3 or Form No. 14 in the sum of \$5000.00 where one well is to be drilled to any depth, payable to the State of Montana, conditioned for the performance of the duty to properly plug each dry or abandoned well and restore the surface of the location to its original contours insofar as such restoration is practicable unless the owner of the surface requests otherwise and executes a release to that effect in accordance with the rules and regulations of the Board.

(2) Said bond shall remain in force and effect until the plugging and restoration of the surface has been approved by the Board or a new bond is filed by a successor in interest or the bond is released by the Board. Upon release by the Board, said bond may be terminated and cancelled.

(3) It is further provided that where the owner is to drill more than one well, the Board shall require from such owner a good and sufficient bond on either Form No. 3 or Form No. 14 in the sum of \$10,000.00 payable to the State of Montana, and conditioned as provided for above. Upon acceptance and approval by the Board, such bond shall be considered as being in compliance with the foregoing provisions. The Board shall require an increase, by appropriate rider, of any bond from \$5,000.00 to \$10,000.00 or from \$10,000.00 to \$20,000.00 when, in the opinion of the Board, the factual situation warrants such an increase in order for any owner to be in compliance with this rule.

36-3.18(14)-S18380 ADOPTION OF FORMS. (1) The forms hereinafter listed are hereby adopted and made a part of these rules for all purposes and the same shall be used as herein directed in giving notice and in making reports and requests to the Board. Copies of printed forms will be supplied by the Board on request.

- | | | |
|-----|--------------|---|
| (a) | Form No. 1 | Organization Report |
| (b) | Form No. 2 | Sundry Notice and Reports of Wells |
| (c) | Form No. 3 | Bond |
| (d) | Form No. 4 | Completion Report |
| (e) | Form No. 4A | Continuation sheet Form 4 |
| (f) | Form No. 5 | Report of Subsurface Injections |
| (g) | Form No. 6 | Report of Production |
| (h) | Form No. 6A | Continuation sheet Form 6 |
| (i) | Form No. 7 | Report of Receipts and Disposition of Crude Oil |
| (j) | Form No. 8 | Refiner's Monthly Report of Receipts and Disposition of Crude Oil |
| (k) | Form No. 9 | Monthly Gas Report |
| (l) | Form No. 10 | Gasoline or Other Extraction Plant |
| (m) | Form No. 10A | Continuation sheet Form 10 |
| (n) | Form No. 11 | Reservoir Survey Report and Gas-Oil Ratio |

- (o) Form No. 12 Producers Payment of Oil and Gas Production Tax
- (p) Form No. 13 Producers Certificate of Compliance and Authorization to Transport Oil or Gas from Lease
- (q) Form No. 14 Certificate of Deposit Cash Bond

3. Interested persons may submit their data, views, or arguments concerning the proposed amendment in writing to Donald E. Chisholm, Administrator, Oil and Gas Conservation, Department of Natural Resources and Conservation, 325 Fuller Avenue, Helena, Montana 59601. Written comments, in order to be considered, must be received by not later than August 17, 1977.

4. If a person directly affected wishes to express his data, views, and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit his request along with any written comments he has to Mr. Chisholm on or before August 17, 1977.

5. If the Board receives request for a public hearing on the proposed amendments from more than ten percent (10%), or twenty-five (25) or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.

6. The authority of the Board to adopt the proposed amendment to MAC Rule 36-3.18(6)-S18010(1)(s) is based on Sections 60-127(e) and 60-132, R.C.M. 1947. The authority of the Board to adopt proposed amendment to MAC Rule 36-3.18(10)-S18050 is based on Section 60-127(e), R.C.M. 1947. The authority of the Board to adopt the proposed amendment to MAC Rule 36-3.18(14)-S18380 is based on Section 60-127(e), R.C.M. 1947.



Donald E. Chisholm, Administrator
Oil and Gas Division, Department of
Natural Resources and Conservation

Certified to the Secretary of State June 14, 1977.

Title 38
Public Service
Regulation

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

IN THE MATTER of the adoption of)	NOTICE OF PROPOSED
New rules establishing minimum rate)	NEW MAC RULES FOR
case filing standards for electric,)	MINIMUM RATE CASE
gas and water utilities.)	FILING STANDARDS

NO PUBLIC HEARING
CONTEMPLATED

TO: All Interested Persons

1. On May 16, 1977, the Department of Public Service Regulation proposes to adopt new rules establishing minimum filing standards for electric, gas and private water utility rate increases.

2. The proposed rules do not replace or modify any section currently found in the Montana Administrative Code.

3. Summaries of the proposed rules follow; a complete copy of the text of the proposed rules may be obtained by contacting the Public Service Commission, 1227 11th Avenue, Helena, Montana, 59601, Attention: Gail E. Behan (tel. 449-3007).

4. These rules apply only to applications for rate increases of more than \$100,000. The following summary is a reproduction of the Table of Contents of the filing rules.

1. Letter of transmittal.
2. Applications for rate increases.
3. Comparison of sales, services and revenues.
4. Comparison of rates.
5. Cost of service under the new rates.
6. Analysis of system costs for a twelve month historical test year.
7. Reference data to be provided.
8. Other data relied on.
9. Working papers to be filed.
10. NARUC's uniform system of accounts to be generally followed.
11. Working papers sufficient to support the filing shall be available on commission request.
12. Attestation by chief accounting officer or other authorized accounting representative.
13. Statement A - Balance sheet.
14. Statement B - Income statements.
15. Statement C - Earned surplus statements.
16. Statement D - Utility Plant Accounts.

17. Schedule D-1 - Detailed plant accounts.
18. Schedule D-2 - Plant addition and retirement for test period.
19. Schedule D-3 - Working papers showing plant accounts on average basis for test period.
20. Schedule D-4 - Plant account working papers for previous years.
21. Schedule D-5 - Working papers on capitalizing interest and other overheads during construction.
22. Schedule D-6 - Changes in intangible plant working papers.
23. Schedule D-7 - Working papers on plant in service not used and useful.
24. Schedule D-8 - Property records working papers.
25. Statement E - Accumulated depreciation.
26. Schedule E-1 - Working papers on recorded changes to accumulated depreciation.
27. Schedule E - 2 - Working papers on depreciation and amortization method.
28. Schedule E-3 - Working papers on allocation of overall accounts.
29. Statement F - Working capital.
30. Schedule F-1 - Monthly balances for materials, supplies, fuel stocks, and prepayments.
31. Schedule F-2 - Monthly balances for two years immediately preceding test year.
32. Schedule F-3 - Data used in computing working capital.
33. Statement G - Rate of return.
34. Debt capital.
35. Preferred stock capital.
36. Common stock capital.
37. Schedule G-1 - Stock dividends, stock splits or changes in par or stated value.
38. Schedule G-2 - Common stock information.
39. Schedule G-3 - Reacquisition of bonds or preferred stock.
40. Schedule G-4 - Earnings per share for claimed rate of return.
41. Statement H - Operating and maintenance expenses.
42. Schedule H-1 - Adjustments to operating and maintenance expenses.
43. Schedule H-2 - Cost of power and gas.
44. Schedule H-3 - Working papers for listed expense accounts.
45. Schedule H-4 - Working papers for interdepartmental transactions.
46. Statement I - Operating revenues.
47. Statement J - Depreciation expense.

48. Schedule J-1 - Expense charged other than prescribed depreciation.
49. Statement K - Income taxes.
50. Schedule K-1 - Working papers for federal income taxes.
51. Schedule K-2 - Differences in book and tax depreciation.
52. Schedule K-3 - Working papers for consolidated federal income tax.
53. Schedule K-4 - Working papers for an allowance for current tax greater than tax calculated at consolidated rate.
54. Schedule K-5 - Working papers for claimed allowances for state or provincial income taxes.
55. Statement L - Other taxes.
56. Schedule L-1 - Working papers for adjusted taxes.
57. Statement M - Overall cost of service.
58. Statement N - Allocated cost of service.
59. Statement O - Comparison of cost of service.
60. Schedule O-1 - Derivation of increased rates.
61. Statement P - Description of utility operations.
62. Statement Q - Purchases from affiliated companies.
63. Duplication of testimony and required information.
64. Testimony and exhibits.
65. Rejection for noncompliance.
66. Commission may seek specific cost data.

5. Interested parties may submit their data, view or arguments concerning the proposed rules in writing to Rob Smith, 1227 11th Avenue, Helena, Montana, 59601, phone 449-2458.

6. If a person directly affected wishes to present his views, arguments, and data orally or in writing at a public hearing, he must make written request for a public hearing and submit this written request with any written comments to Mr. Smith on or before May 9, 1977.

7. If the Department receives requests for a public hearing on the proposed rules, from more than ten percent, or twenty-five or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.


8. The authority of the Department to make the proposed rules is based on §70-104, R.C.M. 1947.

9. The reason for this action is that the Commission presently lacks rules establishing minimum filing standards in this type of case, and they were necessary to expedite hearings.

(4)


Gordon E. Bollinger, Chairman

Certified to the Secretary of State April 7, 1977.

4-4/25/77 

MAC NOTICE NO. 38-2-16

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

IN THE MATTER of the adoption of)	NOTICE OF PROPOSED
New rules establishing minimum rate)	NEW MAC RULES FOR
case filing standards for electric,)	MINIMUM RATE CASE
gas and water utilities.)	FILING STANDARDS

NOTICE OF PUBLIC
HEARING

TO: All Interested Persons

1. On April 25, 1977, the Department of Public Service Regulation published Montana Administrative Code Notice Number 38-2-16 in the Montana Administrative Register. The notice covered the proposed adoption without prior public hearing of rules relating to the proposed New MAC Rules for Minimum Rate Case Filing Standards for electric, gas and private water utility rate increases. Since that date requests for public hearing have been received by more than 25 persons directly affected. The Department is therefore ordering a public hearing in this matter.

2. On June 6, 1977, a public hearing will be held in the Public Service Commission conference room at 1227 11th Avenue, Helena, Montana, at 10:00 a.m. to consider the adoption of the new rules.

3. The proposed rules do not replace or modify any section currently found in the Montana Administrative Code.

4. Summaries of the proposed rules follow; a complete copy of the text of the proposed rules may be obtained by contacting the Public Service Commission, 1227 11th Avenue, Helena, Montana, 59601, Attention: Gail E. Behan (tel. 449-3007).

5. These rules apply only to applications for rate increases of more than \$100,000. The following summary is a reproduction of the Table of Contents of the filing rules.

1. Letter of transmittal.
2. Applications for rate increases.
3. Comparison of sales, services and revenues.
4. Comparison of rates.
5. Cost of service under the new rates.
6. Analysis of system costs for a twelve month historical test year.
7. Reference data to be provided.
8. Other data relied on.
9. Working papers to be filed.

5-5/25/77

MAC NOTICE NO. 38-2-17

10. NARUC's uniform system of accounts to be generally followed.
11. Working papers sufficient to support the filing shall be available on commission request.
12. Attestation by chief accounting officer or other authorized accounting representative.
13. Statement A - Balance sheet.
14. Statement B - Income statements.
15. Statement C - Earned surplus statements.
16. Statement D - Utility Plant Accounts.
17. Schedule D-1 - Detailed plant accounts.
18. Schedule D-2 - Plant addition and retirement for test period.
19. Schedule D-3 - Working papers showing plant accounts on average basis for test period.
20. Schedule D-4 - Plant account working papers for previous years.
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50. Schedule K-1 - Working papers for federal income taxes.
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58. Statement N - Allocated cost of service.
59. Statement O - Comparison of cost of service.
60. Schedule O-1 - Derivation of increased rates.
61. Statement P - Description of utility operations.
62. Statement Q - Purchases from affiliated companies.
63. Duplication of testimony and required information.
64. Testimony and exhibits.
65. Rejection for noncompliance.
66. Commission may seek specific cost data.

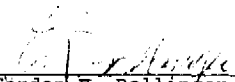
6. Interested parties may submit their data, view or arguments concerning the proposed rules in writing to Rob Smith, 1227 11th Avenue, Helena, Montana, 59601, phone 449-2458.

7. The authority of the Department to make the proposed rules is based on §70-104, R.C.M. 1947.

8. The reason for this action is that the Commission presently lacks rules establishing minimum filing standards

(4)

in this type of case, and they were necessary to expedite hearings.


Gordon E. Bollinger, Chairman

Certified to the Secretary of State May 9, 1977.

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

IN THE MATTER of the amendment of) NOTICE OF PROPOSED
Rule No. 38-2.6(1)-S680, Appli-) ADMENDMENT OF RULE
cations for Motor Carrier Authority) NO. 38-2.6(1)-S680

NO PUBLIC HEARING
CONTEMPLATED

TO: All Interested Persons

1. On July 5, 1977, the Department of Public Service Regulation, Public Service Commission of the state of Montana, proposes to amend Rule No. 38-2.6(1)-S680, Applications for Motor Carrier Authority.

2. The Rule No. 38-2.6(1)-S680 as proposed to be amended is as follows (matter to be stricken is interlined, new matter is underlined):

38-2.6(1)-S680 APPLICATIONS FOR MOTOR CARRIER AUTHORITY

(1)(2)(4)(5)(6) remain the same.

(3) Every application for operating authority must be accompanied by the appropriate filing fee as required by 8-108, 8-109 and 8-110.

(i) The specific filing fee is based ~~upon~~ on the number of counties contained within the application; i.e., 1-5 counties, ~~\$15-00~~ \$100; 6-25 counties, ~~\$25~~ \$200; 26-56 counties, ~~\$35~~ \$300.

(ii) Application fee for a certificate of public convenience and necessity to operate under a federal and/or state contract, as provided under 38-110(2), R.C.M. 1947, shall be \$100 for all such applications.

(iii) Fees for the registration of interstate authority are as provided for under 38-2.6(1)-S690(5).

3. Interested parties may submit their data, views or arguments concerning the proposed amendment in writing to Rob Smith, Legal Counsel, 1227 11th Avenue, Helena, Montana, 59601 (phone 449-3415). Written comments in order to be considered must be received no later than June 28, 1977

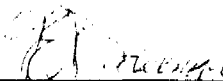
4. If a person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to Mr. Smith on or before June 28, 1977.

5. If the department receives requests for a public hearing on the proposed rule from more than ten (10) percent,

(2)

or twenty-five (25) or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.

6. The authority of the department to make the proposed rule is based on Senate Bill No. 392 of the 1977 Legislative Session.



Gordon E. Bollinger, Chairman

CERTIFIED TO THE SECRETARY of STATE May 20, 1977.

Title 40
Prof. & Occup.
Licensing

Chapter 10

Architects, Board of

BEFORE THE BOARD OF ARCHITECTS
OF THE
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

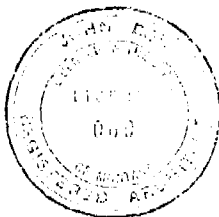
IN THE MATTER of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of MAC 40-3.10(6)-) of MAC 40-3.10(6)-S1030 Seal;
S1030 Seal; MAC 40-3.10(6)-) MAC 40-3.10(6)-S10000 Renewals
S10000 Renewals and MAC) and MAC 40-3.10(6)-S10010
40-3.10(6)-S10010 Reciprocity.) Reciprocity.

No Hearing Contemplated

TO: ALL INTERESTED PERSONS

1. On July 14, 1977, the Board of Architects proposes to amend MAC 40-3.10(6)-S1030 Seal; MAC 40-3.10(6)-S10000 Renewals and MAC 40-3.10(6)-S10010 Reciprocity.
2. The amendment of MAC 40-3.10(6)-S1030 Seal as proposed will add the following explanation and illustration to existing sub-section (1):

"The proper seal as above described should appear as illustrated herein."



3. The amendment of MAC 40-3.10(6)-S10000 Renewals as proposed will read as follows: (Deleted matter interlined, new matter underlined.)

"(2) The annual license fee shall be Twenty Dollars (\$20.00). The beginning of the fiscal year is July 1 and all licenses bear this date. The license fee is due July 1 of each year. The license fee shall be due beginning on July 1. However a one (1)

6-6/24/77

MAC NOTICE NO. 40-3-10-3

month grace period thereafter is provided by statute. Therefore license fees must be paid no later than July 31. Any license which has not been renewed by that date will expire by operation of statute. The holder of an expired license must make re-application to the Board."

4. Amendment of MAC 40-3.10(6)-S10010 Reciprocity as proposed will add the following language as sub-section (2) to the existing rule:

"All applicants who were licensed in their respective jurisdictions prior to 1964 shall submit evidence of having successfully completed an A.I.A. or NCARB approved seminar on seismic forces."

5. Interested persons may present their data, views, or arguments concerning the proposed amendment to the Board of Architects, LaLonde Building, Helena, Montana. Written comments, in order to be considered, must be received no later than July 14, 1977.
6. If any person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to the Board of Architects on or before July 14, 1977.
7. If the Board receives requests for a public hearing on this proposed amendment from twenty-five (25) or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Montana Administrative Register.
8. The authority of the Board of Architects to make this proposed amendment is based on Section 66-403, R.C.M. 1947.

DATED this 40th day of June, 1977.

BOARD OF ARCHITECTS
RAYMOND THON, CHAIRMAN

BY: Ed Carney
Ed Carney, Director
Department of Professional
and Occupational Licensing.

Certified to the Secretary of State 6/14, 1977.

Chapter 14

Athletics, Board of

BEFORE THE BOARD OF ATHLETICS
OF THE
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed) NOTICE OF PROPOSED ADOPTION
Adoption of rules regulating) of rules regulating boxing
Boxing contests between female con-) contests between female con-
testants.) testants.

No Hearing Contemplated

TO: All Interested Persons

1. On April 14, 1977, the Board of Athletics proposes to adopt rules regulating boxing contests between female contestants.
2. The new rules as proposed will read as follows:
 - A. No applicant shall be contracted for or engaged in a contest between a male and a female.
 - B. Contests will be limited to four rounds of two minutes duration.
 - C. Custom-fitted mouthpieces must be used of the same variety required of male participants.
 - D. Ten-ounce gloves will be worn for boxing contests.
 - E. A breast protector is mandatory, to be used as a binder.
 - F. Hair must be secured in a manner such that it will not interfere with the vision or safety of either contestant.
 - G. Each contestant shall provide herself with two uniforms consisting of contrasting color, body shirt, blouse and shorts. No leotards or other such costume is permissible.
 - H. Contestants must sign, in addition to the contract, an addendum indicating that to the best of their knowledge, they are not pregnant and that the contest will not take place during a menstrual period.
 - I. Promoters will provide adequate, separate dressing room facilities.

3-3/25/77

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MAC Notice No. 40-3-14-2

- J. Contestants must make minimum use of cosmetics.
 - K. Physical examinations annually must include pelvic examinations. Within twenty-four hours of each contest, an examining physician shall make an abdominal examination noting any masses, and a breast examination noting any masses.
 - L. Only more experienced referees should be assigned to control the contests.
- 3. Interested persons may present their data, views, or arguments concerning the proposed adoption in writing to the Board of Athletics, LaLonde Building, Helena, Montana. Written comments, in order to be considered, must be received no later than April 13, 1977.
 - 4. If any person directly affected wishes to express his data, views, and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to the Board of Athletics on or before April 13, 1977.
 - 5. If the Board receives requests for a public hearing on this proposed adoption from twenty-five or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Montana Administrative Register.
 - 6. The authority of the Board of Athletics to make this proposed adoption is based on Section 82-303 R.C.M., 1947.

DATED this 17th Day of March, 1977 BOARD OF ATHLETICS
Peter Berry Chairman

By: Ed Carney
Ed Carney, Director
Department of Professional
and Occupational Licensing

Certified to the Secretary of State 3-17, 1977

BEFORE THE BOARD OF ATHLETICS
OF THE
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of MAC 40-3.14(6)-) of MAC 40-3.14(6)-S1430
S1430 Licensing Requirements.) Licensing Requirements

NO HEARING CONTEMPLATED

TO: ALL INTERESTED PERSONS

1. On June 14, 1977, the Board of Athletics proposes to amend MAC 40-3.14(6)-S1430 Licensing Requirements.
2. The amendment as proposed will make the following changes to sub-section (10) of the rule: (new matter underlined, deleted matter interlined)

"(10) Applicants for license shall, before such license is issued and annually thereafter, pay to the Board a license fee as follows: physicians, \$10.00 ~~Managers, \$10.00~~, Referees, \$25.00 ~~\$10.00~~ Professional Wrestler or Boxer, ~~\$25.00~~ \$10.00; Seconds, \$5.00; and Promoters, and Matchmakers for professional boxing or wrestling conducted by licensed clubs, whether conducted by licensed clubs, whether acting individually or an employee or agent of a club or clubs, \$100.00 in conjunction with bond requirement."

3. Interested persons may present their data, views, or arguments concerning the proposed amendment to the Board of Athletics, LaLonde Building, Helena, Montana. Written comments, in order to be considered, must be received no later than June 13, 1977.
4. If any person directly affected wishes to express his data, views, and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to the Board of Athletics on or before June 13, 1977.
5. If the Board receives requests for a public hearing on this proposed amendment from twenty-five or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Montana Administrative Register.

(2)

6. The authority of the Board of Athletics to make this proposed amendment is based on Section 82-301, R.C.M. 1947.

DATED THIS 16th DAY OF May, 1977

BOARD OF ATHLETICS
CHARLES A. GEORGE, CHAIRMAN

BY: Ed Carney
ED CARNEY, DIRECTOR
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING

Certified to the Secretary of State 5-16, 1977.

Chapter 18

Barbers, Board of

BEFORE THE BOARD OF BARBERS
OF THE
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER OF of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of MAC 40-3.18(6)-) of MAC 40-3.18(6)-S1860
S1860 Examination - Applications;) Examination- Applications;
and MAC 40-3.18(6)-S18030 Conduct) and MAC 40-3.18(60)-S18030
of Barber Colleges.) Conduct of Barber Colleges.

NO HEARING CONTEMPLATED

TO: ALL INTERESTED PERSONS

1. On June 16, 1977 the Board of Barbers proposes to amend MAC 40-3.18(6)-S1860 Examination - Applications; and MAC 40-3.18(60)-S18030 Conduct of Barber Colleges.

2. The amendment of MAC 40-3.18(6)-S1860 Examination - Applications; will add the following words "barber-apprentice work ratio" to the existing catch phrase and add the following language as sub-section (6) to the existing rule:

"(6) there shall be a ratio of one barber to one apprentice in the shop. For every additional apprentice there shall be an additional barber".

3. The amendment of MAC 40-3.18(6)-S18030 Conduct of Barber Colleges, will add the following language to existing sub-section (2)(c) of the rule:

"instructor examinees must secure a score of 75% on both the practical and the written portion of the examination before they will be considered to have passed. This requirement shall also apply to assistant instructor examinees".

4. Interested persons may present their data, views, or arguments concerning the proposed amendment in writing to the Board of Barbers, LaLonde Building, Helena, Montana. Written comments, in order to be considered, must be received no later than June 15, 1977.

5. If any person directly affected wishes to express his data, views, and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to the Board of Barbers on or before June 15, 1977.

(2)

6. If the Board receives requests for a public hearing on this proposed amendment from twenty-five or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Montana Administrative Register.

7. The authority of the Board of Barbers to make this proposed amendment is based on Section 66-409, R.C.M. 1947.

Dated this 16th day of May, 1977.

BOARD OF BARBERS
VERN OPP, CHAIRMAN

BY: Ed Carney

ED CARNEY, DIRECTOR
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING

CERTIFIED TO THE SECRETARY OF STATE 5-16, 1977.

Chapter 30
Cosmetologists,
Board of

BEFORE THE BOARD OF COSMETOLOGISTS
OF THE
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed) NOTICE OF PROPOSED AMEND-
Amendment of MAC 40-3.30(8)-S-) MENT of MAC 40-3.30(8)-S-
30408, Electrolysis.) 30408, Electrolysis.

No Hearing Contemplated

TO: All Interested Persons

1. On April 14, 1977, the Board of Cosmetologists proposed to amend MAC 40-3.30(8)-S-30408, Electrolysis.
2. The Amendment as proposed will read as follows: (Deleted language interlined)

"(1) Any person who is currently licensed to practice electrology in another state by the appropriate state board of that state, whose requirements are equal to or greater than Montana, may at the discretion of the state board be licensed to practice in this state without examination."
3. The purpose of the proposed amendment is to remove from board requirements that language which imposes the necessity that the reciprocating state have licensure requirements equal to or greater than those in Montana.
4. Interested persons may present their data, views, or arguments concerning the proposed amendment, in writing to the Board of Cosmetologists, LaLonde Building, Helena, Montana. Written comments in order to be considered must be received no later than April 13, 1977.
5. If any person directly affected wishes to express his data, views, and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit such along with any written comments he has to the Board of Cosmetologists on or before April 13, 1977.
6. If the Board receives requests for a public hearing on this proposed amendment from twenty-five(25) or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Montana Administrative Register.

(2)

7. The authority of the Board of Cosmetologists to make the proposed amendment is based on Section 66-3607, R.C.M., 1947.

DATED THIS 17th DAY OF March, 1977 BOARD OF COSMETOLOGISTS
June Baker, Chairman

BY: Ed Carney
Ed Carney, Director
Department of Professional and
Occupational Licensing

Certified to the Secretary of State this 17th day of March, 1977.

BEFORE THE BOARD OF COSMETOLOGISTS
OF THE
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed) NOTICE OF PROPOSED AMENDMENT
Amendment of MAC 40-3.30(6)-) of MAC 40-3.30(6)-S3090 Set
S3090 Set and Approve Require-) and Approve Requirements and
ments and Standards in Salons.) Standards in Salons.

No Hearing Contemplated

TO: All Interested Persons

1. On July 14, 1977 the Board of Cosmetologists propose to amend MAC 40-3.30(6)-S3090 Set and Approve Requirements and Standards in Salons.
2. The amendment as proposed will add the word "open" to sub-section (1) (b) (ii) as follows:

"(ii) After December 31, 1972 all new residential salons shall have only outside entrances and no open entrance into the residence."
3. The Board has heretofore implemented this rule such that there could be absolutely no connecting entrance and that any existing doorways would have to be sealed off. This proposed amendment recognizes the undue hardship and potential fire hazard that the old rule has caused and therefore makes this change. However, under no circumstances shall any connection between the salon and the residence be used during business hours.
4. Interested persons may present their data, views, or arguments concerning the proposed amendment, in writing to the Board of Cosmetologists, LaLonde Building, Helena, Montana. Written comments in order to be considered must be received no later than July 14, 1977.
5. If any person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit such along with any written comments he has to the Board of Cosmetologists on or before July 14, 1977.

(2)

6. If the Board received requests for a public hearing on this proposed amendment from twenty-five (25) or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Montana Administrative Register.
7. The authority of the Board of Cosmetologists to make the proposed amendment is based on Section 66-806, R.C.M. 1947.

DATED THIS 14th DAY OF June, 1977. BOARD OF COSMETOLOGISTS
June Baker, Chairman

BY: Ed Carney
Ed Carney, Director
Department of Professional
and Occupational Licensing

Certified to the Secretary of State this 14th day of June,
1977

Chapter 46
Horse Racing,
Board of

BEFORE THE BOARD OF HORSE RACING
OF THE
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed)	NOTICE OF PUBLIC HEARING on
amendment of MAC 40-3.46(6)-)	proposed amendment of MAC 40-
S4680 Licensing; MAC 40-3.46)	3.46(6)-S4680 Licensing; MAC
(6)-S4690 Racing Officials;)	40-3.46(6)-S4690 Racing Offi-
MAC 40-3.46(6)-S46000 Occu-)	cials; MAC 40-3.46(6)-S46000
pational Licensing; MAC 40-3.)	Occupational Licensing; MAC 40-
46(6)-S46010 General Conduct)	3.46(6)-S46010 General Conduct
of Racing and MAC 40-3.46(6)-)	of Racing and MAC 40-3.46(6)-
S46020 Medication.)	S46020 Medication

TO: All Interested Persons

1. On Thursday, March 10, 1977 at 10:00 a.m. in the Highway Auditorium on the corner of 8th and Roberts, Helena, Montana, a public hearing will be held to consider the amendments proposed in the above entitled matter.

2. The amendments as proposed involve numerous detailed language changes which approximate ten pages in length. Therefore, in the interest of economy the full text of the changes will not be printed in this notice. The following is a general summary of the changes.

- (A) The changes to MAC 40-3.46(6)-S4680 involve testing facility requirements and communication systems within the race grounds.
- (B) The changes to MAC 40-3.46(6)-S4690 remove all reference to placing judges; replaces the existing method of selection of stewards, alters and adds to the authority and responsibility of steward and track veterinarians.
- (C) The changes to MAC 40-3.46(6)-S46000 involve the change of numbers from arms to jockey helmets; jockey fees; the effect of jockey suspensions; and completely replaces the existing provisions for apprentice jockeys.
- (D) The changes to MAC 40-3.46(6)-S46010 involve also eligible requirements and weight allowance claims; owner registration; method of determination of post positions; the limits on naming for stake races and claiming procedures and requirements.
- (E) Changes to MAC 40-3.46(6)-S46020 involve the forbidden use of drugs and procedures for conducting searches.

3. Any persons interested in reviewing the full text of the

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MAC Notice No. 40-3-46-11

(2)

proposed changes may obtain a copy thereof upon request to the Board of Horse Racing, LaLonde Building, Helena, Montana.

4. Interested persons may present their data, views or arguments either orally or in writing at the hearing. Written statements may be submitted to the board prior to the hearing date. Such statements will be included in the hearing record.

5. The Board of Horse Racing or its designee shall preside over and conduct the hearing.

6. The authority of the Board of Horse Racing to make the proposed amendments is based on Section 62-508, R.C.M. 1947.

DATED THIS 14th DAY OF February, 1977.

BOARD OF HORSE RACING
DONALD PIMPERTON, CHAIRMAN

BY: Ed Carney
ED CARNEY, DIRECTOR
DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL LICENSING

Certified to the Secretary of State 2 - 14, 1977.

BEFORE THE BOARD OF HORSE RACING
OF THE
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of MAC 40-3.46(6)-) of MAC 40-3.46(6)-S46040
S46040 Pari-Mutuel Operations) Pari-Mutuel Operations

No Hearing Contemplated

TO: All Interested Persons

1. On April 14, 1977, the Board of Horse Racing proposes to amend MAC 40-3.46(6)-S46040, Pari-Mutuel Operations.

2. The amendment of MAC 40-3.46(6)-S46040 Pari-Mutuel Operations as proposed will add the following language as subsection (21)(a) to the existing rule;

"(21)Withholding Tax

(a) Effective January 2, 1977, the payor of a pari-mutuel payoff that is over \$1,000 must withhold federal income tax on the total winnings payments at a 20% rate.

Payments that are subject to withholding under the above rules are to be treated in the same manner as if they were wages paid by an employer to an employee. Thus, the payor is liable for withholding the tax and paying it over to the federal government."

3. Interested persons may submit their data, views or arguments concerning the proposed amendments in writing to the Board of Horse Racing, LaLonde Building, Helena, Montana. Written comments in order to be considered must be received no later than April 13, 1977.

4. If any person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to the Board of Horse Racing, LaLonde Building, Helena, Montana on or before April 13, 1977.

5. If the Board of Horse Racing receives requests for a public hearing on the proposed amendment from more than 25 persons directly affected, a public hearing will be held at a later

(2)

date. Notification of parties will be made by publication in the Montana Administrative Register.

6. The authority of the Board of Horse Racing to make the proposed amendment is based on Section 62-508, R.C.M. 1947.

DATED THIS 17th day of March, 1977.

BOARD OF HORSE RACING
ROBERT HOLLAND, CHAIRMAN

BY: Ed Carney
Ed Carney, Director
Department of Professional
and Occupational Licensing

Certified to the Secretary of State March 17, 1977.

BEFORE THE BOARD OF HORSE RACING
OF THE
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment MAC 40-3.46 (6)-S46010) of MAC 40-3.46(6)-S46010
General Conduct of Racing.) General Conduct of Racing.

No Hearing Contemplated

TO: All Interested Persons

1. On July 14, 1977 the Board of Horse Racing proposes to amend MAC 40-3.46(6)-S46010 General Conduct of Racing.
2. The amendment as proposed will make the following change to existing sub-section (15); (The new matter underlined.)

"(15) A horse which during the past calendar year has started in a race shall not be entered at a Montana track unless and until the owner or trainer shall have furnished to the Racing Secretary at least thirty-six (36) hour prior to such entry, performance records, as herein-after designated. Such performance records shall show where and when said horse raced in his last three (3) starts, the distance of each, the weight carried in each, amount earned in each, said horse's finishing position in each and the official time in each. Such performance records furnished to the Racing Secretary shall be signed by the owner or trainer of the horse. Every licensee must post such performance records in five (5) conspicuous spaces in the para-mutuel area at least 30 minutes before post time of every day's race."

3. This proposed amendment was made effective on an emergency basis on May 16, 1977. This notice initiates its adoption as a permanent rule change.
4. Interested persons may submit their data, views or arguments concerning the proposed amendments in writing to the Board of Horse Racing, LaLonde Building, Helena, Montana. Written comments in order to be considered must be received no later than July 14, 1977.

(2)

5. If any person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to the Board of Horse Racing, LaLonde Building, Helena, Montana on or before July 14, 1977.
6. The authority of the Board of Horse Racing to make the proposed amendment is based on Section 62-505, R.C.M. 1947.

DATED THIS 14th day of June 1977

BOARD OF HORSE RACING
ROBERT HOLLAND, CHAIRMAN

BY: Ed Carney

Ed Carney, Director
Department of Professional
and Occupational Licensing

Certified to the Secretary of State 6-14, 1977

Chapter 54
Medical
Examiners
Montana St.,
Board of

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of MAC 40-3.54(6)-) of MAC 40-3.54(6)-S54020
S54020 Acupuncture) Acupuncture

No hearing contemplated

TO: ALL INTERESTED PERSONS

1. On May 16, 1977 the Board of Medical Examiners proposes to amend MAC 40-3.54(6)-S54020 Acupuncture.
2. The amendment as proposed will delete subsection (8)(a) which reads as follows:
 "(8) Treatment -- Examination and Prescription Necessary.
 (a) No licensee shall treat a patient with acupuncture unless the patient has first been examined within the last sixty (60) days by a person licensed to practice medicine and surgery in the State of Montana and said person has prescribed acupuncture treatment for the patient."
3. The reason for the deletion is Senate Joint Resolution #8 approved and adopted by the 1977 legislative session which expresses the will of the legislature that such provision should be repealed. The legislature is vested by law with the authority to amend or repeal administrative rules by such joint resolution. Therefore, it becomes mandatory that the board make this amendment.
4. The authority of the Board of Medical Examiners to make this proposed amendment is based on Section 66-3404, R.C.M. 1947.

DATED THIS 14th DAY OF April, 1977

BOARD OF MEDICAL EXAMINERS
ALLAN L. GOULDING, PRESIDENT

BY: Ed Carney
ED CARNEY, DIRECTOR
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING

Certified to the Secretary of State 4-14 - 1977.

4-4/25/77

MAC Notice No. 40-3-54-11

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of MAC 40-3.54(18)-) of MAC 40-3.54(18)-S54100
S54100 Emergency Medical) Emergency Medical Technician -
Technician - Basic) Basic

No hearing contemplated

TO: All Interested Persons

1. On May 16, 1977 the Board of Medical Examiners proposes to amend MAC 40-3.54(18)-S54100 Emergency Medical Technician - Basic.
2. The amendment as proposed will add the following language to existing subsection (5)(b) (new language underlined);

" (5)(b) Pass written and practical examinations as specified by the board. The examination may be taken three times within an 18 month period.
3. Interested persons may present their data, views, or arguments concerning the proposed amendment in writing to the Board of Medical Examiners, LaLonde Building, Helena, MT. 59601. Written comments, in order to be considered, must be received no later than May 15, 1977.
4. If any person directly affected wishes to express his data, views, and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to the Board of Medical Examiners on or before May 15, 1977.
5. If the Board receives requests for a public hearing on this proposed amendment from twenty-five or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Montana Administrative Register.
6. The authority of the Board of Medical Examiners to make this proposed amendment is based on Section 69-7008, R.C.M. 1947.

DATED THIS 14~~th~~ DAY OF April, 1977


4-4/25/77

MAC Notice NO. 40-3-54-12

(2)

Board of Medical Examiners
ALLAN L. GOULDING, M.D.
PRESIDENT

BY:


ED CARNEY, DIRECTOR
DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL LICENSING

Certified to the Secretary of State 4-14- 1977.

Chapter 58
Morticians,
Board of

BEFORE THE BOARD OF MORTICIANS
OF THE
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed) NOTICE OF PROPOSED adoption
adoption of a Rule providing) of a Rule providing for
for public participation in) public participation in
Board actions.) Board actions.

TO: ALL INTERESTED PERSONS

1. On March 17, 1977, the Board of Morticians proposes to adopt a rule providing for public participation in board actions.

2. The rule as proposed will read as follows:


"(1) The Board of Morticians hereby adopts and incorporates by this reference the public participation rules of the Department of Professional and Occupational Licensing as listed in Chapter 2, Sub-Chapter 14 of this title. See MAC 40-2-2(14)-P2400."

3. Interested persons may submit their data, views or arguments concerning the proposed adoption in writing to the Board of Morticians, LaLonde Building, Helena, Montana. Written comments in order to be considered must be received no later than March 16, 1977.
4. If any person directly affected wishes to express his views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to the Board of Morticians, LaLonde Building, Helena, Montana on or before March 16, 1977.
5. If the Board of Morticians receives requests for a public hearing on the proposed adoption from more than twenty-five (25) persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.
6. The authority of the Board of Morticians to make the proposed adoption is based on Section 82-4228, R.C.M. 1947.

DATE THIS 17th DAY OF March, 1977.

(2)

THOMAS O'CONNOR
CHAIRMAN
BOARD OF MORTICIANS

BY: 
ED CARNEY, DIRECTOR
DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL LICENSING

Certified to the Secretary of State 2-14, 1977

Chapter 62

Nursing, Board
of

BEFORE THE BOARD OF NURSING
OF THE
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of proposed adoption) NOTICE OF A PROPOSED ADOPT-
of a rule to implement Section 66-) TION of a rule to implement
1242, R.C.M., 1947.) Section 66-1242, R.C.M., 1947.


TO: All Interested Persons

1. On April 14, 1977, the Board of Nursing of the Department of Professional and Occupational Licensing proposes to adopt a rule to implement Section 66-1242, R.C.M., 1947.
2. The rule as proposed will interpret and clarify the meaning of the words, "Domestic servant or persons primarily employed as housekeepers," to include foster parents, home managers, or other surrogate parents.
3. Interested persons may submit their data, views, or arguments concerning the proposed adoption in writing to the Board of Nursing, LaLonde Building, Helena, Montana. Written comments in order to be considered must be received no later than April 13, 1977.
4. If any person directly affected wishes to express his views and arguments orally or in writing at a public hearing, he must make a written request for a public hearing and submit same along with any written comments to the Board of Nursing on or before April 13, 1977.
5. If the Board of Nursing receives requests for a public hearing on the proposed adoption from twenty-five or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Montana Administrative Register.

6. The authority of the Board of Nursing to make the proposed adoption is based on Section 66-1225, R.C.M., 1947.

DATED this 17~~th~~ the day of March, 1977

BOARD OF NURSING
Beatrice Kaasch, Chairman

By: 
Ed Carney, Director
Department of Professional
and Occupational Licensing

Certified to the Secretary of State 3-17, 1977.

BEFORE THE BOARD OF NURSING
OF THE
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the general	) NOTICE OF GENERAL REVISION
revision of Title 40, Chapter	) of Title 40, Chapter 62,
62, MONTANA Administrative	) Montana Administrative Code,
Code, Board of Nursing	) Board of Nursing

No hearing contemplated

TO: ALL INTERESTED PERSONS

1. On May 16, 1977, the Board of Nursing proposes a general revision of Title 40, Chapter 62, Montana Administrative Code, Board of Nursing.
2. The purpose and intent of the proposed revision is to update the existing rules so that they comply with recent statutory changes, to remove superfluous requirements already imposed by statute and to compile into one rule the provisions which apply to both professional and practical nursing.
3. Because of the length and detailed nature of the changes, the complete text thereof is not included within this notice. However, any person wishing to review the actual text of the proposed changes may obtain a copy thereof from the Board of Nursing, LaLonde Building, Helena, Montana
4. Interested persons may present their data, views, or arguments concerning the proposed revision in writing to the Board of Nursing, LaLonde Building, Helena, Montana. Written comments, in order to be considered, must be received no later than May 15, 1977.
5. If any person directly affected wishes to express his data, views, and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to the Board of Nursing on or before May 15, 1977.
6. If the Board receives requests for a public hearing on this proposed revision from twenty-five or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Montana Administrative Register.

4-4/25/77

MAC NOTICE NO. 40-3-62-5

(2)

7. The authority of the Board of Nursing to make this proposed revision is based on Section 66-1225, R.C.M. 1947.

DATED THIS 14~~th~~ DAY OF April, 1977.

BOARD OF NURSING
BEA KAASCH,
PRESIDENT

BY:

Ed Carney
ED CARNEY, DIRECTOR
DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL LICENSING

Certified to the Secretary of State 4-14, 1977.

Chapter 66

Nursing Home
Adm., Board of

BEFORE THE BOARD OF NURSING HOME ADMINISTRATORS
OF THE
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed) NOTICE OF PROPOSED adoption
amendment of MAC 40-3.66(6)-) of proposed amendment of
S66100, Fee Schedule.) MAC 40-3.66(6)-S66100, Fee
Schedule

No Hearing Contemplated

TO: ALL INTERESTED PERSONS

1. On March 17, 1977, the Board of Nursing Home Administrators proposed to amend MAC 40-3.66(6)-S66100, Fee Schedule.
2. The amendment as proposed will add the following language as sub-section (2) to the existing rule:

"the annual license fee and renewals thereof shall be \$80."
3. Section 66-3105, R.C.M. 1947 authorizes the board to establish the annual license fee and renewal at any amount up to a maximum of \$100. Pursuant to this authority, the board proposes by this amendment to raise such fee from \$50 to \$80.
4. Interested persons may submit their data, views or arguments concerning the proposed adoption in writing to the Board of Nursing Home Administrators, LaLonde Building, Helena, Montana. Written comments in order to be considered must be received no later than March 16, 1977.
5. If any person directly affected wishes to express his views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to the Board of Nursing Home Administrators, LaLonde Building, Helena, Montana, on or before March 16, 1977.
6. If the Board of Nursing Home Administrators receives requests for a public hearing on the proposed adoption from more than twenty-five (25) persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.
7. The authority of the Board of Nursing Home Administrators to make the proposed adoption is based on Section 66-3109 R.C.M. 1947.

2-2/25/77

MAC Notice No. 40-3-66-10

(2)

DATED THIS 14th DAY OF February, 1977.

PHILIP AUBDE
CHAIRMAN
BOARD OF NURSING HOME
ADMINISTRATORS

BY: Ed Carney
ED CARNEY, DIRECTOR
DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL LICENSING

Certified to the Secretary of State 2 - 14, 1977.

BEFORE THE BOARD OF NURSING HOME ADMINISTRATORS
OF THE
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed) NOTICE OF PROPOSED adoption
adoption of a Rule providing) of a Rule providing for public
for public participation in) participation in board actions.
Board actions.)

No Hearing Contemplated

TO: ALL INTERESTED PERSONS

1. On March 17, 1977, the Board of Nursing Home Administrators proposes to adopt a rule providing for public participation in board actions.
2. The rule as proposed will read as follows:
"(1) The Board of Nursing Home Administrators hereby adopts and incorporates by this reference the public participation rules of the Department of Professional and Occupational Licensing as listed in Chapter 2, Sub-Chapter 14 of this title. See MAC 40-2-2(14)-P2400."
3. Interested persons may submit their data, views or arguments concerning the proposed adoption in writing to the Board of Nursing Home Administrators, LaLonde Building, Helena, Montana. Written comments in order to be considered must be received no later than March 16, 1977.
4. If any person directly affected wishes to express his views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to the Board of Nursing Home Administrators, LaLonde Building, Helena, Montana on or before March 16, 1977.
5. If the Board of Nursing Home Administrators receives requests for a public hearing on the proposed adoption from more than twenty-five (25) persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.
6. The authority of the Board of Nursing Home Administrators to make the proposed adoption is based on Section 82-4228, R.C.M. 1947.

(2)

DATED THIS 24th DAY OF February, 1977.

PHILIP AUBLE
CHAIRMAN
BOARD OF NURSING HOME
ADMINISTRATORS

BY: [Signature]
ED CARNEY, DIRECTOR
DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL LICENSING

Certified to the Secretary of State 24, 1977.

BEFORE THE BOARD OF NURSING HOME ADMINISTRATORS
OF THE
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed) NOTICE OF PUBLIC HEARING
amendment of MAC 40-3.66(6)-)
S66100 Fee Schedule)

TO: ALL INTERESTED PERSONS

Because of a request for a public hearing made by 25 or more persons on the amendment above proposed, MAC Notice No. 40-3-66-10 is hereby amended to read as follows:

1. On June 2, 1977 at 2:00 p.m. in the highway building auditorium, corner of 8th and Roberts, Helena, Montana a public hearing will be held to receive oral and written testimony in the matter of the proposed amendment of MAC 40-3.66(6)-S66100 Fee Schedule.
2. The amendment as originally proposed in MAC Notice No. 40-3-66-10 will add the following language as subsection (2) to the existing rule:

"The annual license fee and renewal thereof shall be \$80."
3. Interested persons may present their data, views or arguments whether orally or in writing at the hearing. Written statements will be accepted prior to the hearing and made part of the hearing record.
4. The Board of Nursing Home Administrators or its designee will preside over and conduct the hearing.
5. The authority of the board to make the proposed amendment is based on Section 66-3109, R.C.M. 1947

DATED THIS 14th DAY OF April, 1977

BOARD OF NURSING HOME ADMINISTRATORS
PHILIP AUBLE, CHAIRMAN

BY: Ed Carney
ED CARNEY, DIRECTOR
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING

Certified to the Secretary of State 4-14, 1977.
4-4/25/77 MAC NOTICE NO. 40-3-66-12

BEFORE THE BOARD OF NURSING HOME ADMINISTRATORS
OF THE
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed) NOTICE OF AMENDMENT
amendment of MAC 40-3.66(6)-) to Notice of Public Hearing
S66100 Fee Schedule)

TO: ALL INTERESTED PERSONS

Because of a request for a change in the date set for a hearing by MAC Notice No. 40-3-66-12, said notice is hereby amended to read as follows:

1. On May 26, 1977 at 1:00 p.m. in the Remington Room, Outlaw Inn, Kalispell, Montana, a public hearing will be held to receive oral and written testimony in the matter of the proposed amendment of MAC 40-3.66(6)-S66100 Fee Schedule.
2. The amendment as originally proposed in MAC Notice No. 40-3-66-10 and MAC Notice No. 40-3-66-12, will add the following language as subsection (2) to the existing rule:

"The annual license fee and renewal thereof shall be \$80."


3. The request for the change in the date of public hearing was made at the request of the Montana Nursing Home Administrators Association, so that the new hearing would coincide with a meeting of the association. In the interest of insuring maximum attendance, the board has granted this request. While the board realizes that the notice period afforded by publication in the register will be extremely short, the board feels that the association comprises at least 90 percent of the interested persons. In addition, the board at the time of filing this notice will mail such to the association and other persons known to be interested.
4. Interested persons may present their data, views or arguments whether orally or in writing at the hearing. Written statements will be accepted prior to the hearing and made part of the hearing record.
5. The Board of Nursing Home Administrators or its designee will preside over and conduct the hearing.
6. The authority of the board to make the proposed amendment is based on Section 66-3109, R.C.M. 1947.

DATED THIS 16th DAY OF May, 1977
5-5/25/77 MAC NOTICE NO. 40-3-66-13

(2)

BOARD OF NURSING HOME ADMINISTRATORS
PHILIP AUBLE, CHAIRMAN

BY:


ED CARNEY, DIRECTOR
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING

Certified to the Secretary of State 5-16, 1977.

Chapter 82
Plumbers, Board
of

BEFORE THE BOARD OF PLUMBERS
OF THE
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed) NOTICE OF PROPOSED adoption
adoption of a Rule providing) of a Rule providing for
for public participation in) public participation in Board
Board actions.) actions.

No Hearing Contemplated

TO: ALL INTERESTED PERSONS

1. On March 17, 1977, the Board of Plumbers proposes to adopt a rule providing for public participation in board actions.
2. The rule as proposed will read as follows:
"(1) The Board of Plumbers hereby adopts and incorporates by this reference the public participation rules of the Department of Professional and Occupational Licensing as listed in Chapter 2, Sub-Chapter 14 of this title. See MAC 40-2-2(14)-P2400."
3. Interested persons may submit their data, views or arguments concerning the proposed adoption in writing to the Board of Pharmacists, LaLonde Building, Helena, Montana. Written comments in order to be considered must be received no later than March 16, 1977.
4. If any person directly affected wishes to express his views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to the Board of Plumbers, LaLonde Building, Helena, Montana, on or before March 16, 1977.
5. If the Board of Plumbers receives requests for a public hearing on the proposed adoption from more than twenty-five (25) persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.
6. The authority of the Board of Plumbers to make the proposed adoption is based on Section 82-4228, R.C.M. 1947.

DATED THIS 17th DAY OF February, 1977.

2-2/25/77

MAC Notice No. 40-3-82-18

(2)

ART CLARKSON
CHAIRMAN
BOARD OF PLUMBERS

BY:

Ed Carney
ED CARNEY, DIRECTOR
DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL LICENSING

Certified to the Secretary of State 2 - 14, 1977

Chapter 96
Radiologic
Technologists,
Board of

BEFORE THE BOARD OF RADIOLOGIC TECHNOLOGISTS
OF THE
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed	)	NOTICE OF PROPOSED
amendment of MAC 40-3.96(6)-S9620	)	AMENDMENT of MAC 40-3.96(6)-
Definitions, and MAC 40-3.96(6)-	)	S9620 Definitions, and MAC
S96000 Fees Schedule and the	)	40-3.96(6)-S96000 Fees
repeal of MAC 40-3.96(6)-S9630	)	Schedule and the repeal of
Grandfather Clause.	)	MAC 40-3.96(6)-S9630
		Grandfather Clause.

No Hearing Contemplated

TO: ALL INTERESTED PERSONS

1. On July 14, 1977 the Board of Radiologic Technologists proposes to amend MAC 40-3.96(6)-S9620 Definitions, and MAC 3.96(6)-S96000 Fees Schedule and the repeal of MAC 40-3.96(6)-S9630 Grandfather Clause.

2. The amendment of MAC 40-3.96(6)-S9620 Definitions will delete existing subsections(3) and (3(a)). These subsections which define Radiologic Technologists are no longer necessary in that the 1977 Legislature provided adequate definition by statutory amendment.

3. The proposed amendment of MAC 40-3.96(6)-S96000 Fees Schedule will read as follows: (Deleted matter interlined, new matter underlined.)

"(e) License fees (~~prorated~~)

(i) 7-1-76 to 6-30-77 12-31-77.....	\$20.00
(ii) 7-1-77 to 12-31-77	\$15.00
(iii) 1-1-77 to 6-30-78 12-31-78.....	\$10.00
(iv) 7-1-78 to 12-31-78	\$ 5.00"

4. MAC 40-3.96(6)S9630 proposed for repeal in that the 1977 Legislature provided a Grandfather Clause by statutory amendment

5. Interested persons may present their data, views or arguments concerning the proposed amendment, in writing to the Board of Radiologic Technologists, LaLonde Building, Helena, Montana. Written comments in order to be considered must be received no later than July 14, 1977.

6-6/24/77

MAC NOTICE NO. 40-3-96-2

6. If any person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing he must make written request for a public hearing and submit such along with any written comments he has to the Board of Radiologic Technologists on or before July 14, 1977.

7. If the Board receives requests for a public hearing on this proposed amendment from twenty-five(25) or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Montana Administrative Register.

8. The authority of the Board of Radiologic Technologists to make the proposed amendment is based on Section 66-3704, R.C.M. 1947.

DATED THIS 14th DAY OF June 1977.

BOARD OF RADIOLOGIC
TECHNOLOGISTS
Phil Harston, Chairman

BY: Ed Carney
Ed Carney, Director
Department of Professional
and Occupational Licensing

Certified to the Secretary of State this 14th day of
June 1977.

Chapter 102
Veterinarians,
Board of

BEFORE THE BOARD OF VETERINARIANS
OF THE
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the proposed	)	NOTICE OF PROPOSED ADOPTION
Adoption of a Rule to implement	)	of a Rule to implement Sec-
Section 66-2209, R.C.M., 1947; and)	)	tion 66-2209, R.C.M., 1947;
Adoption of Rules requiring con-	)	and adoption of Rules re-
tinuing education for Veterinary	)	quiring continuing educa-
Technicians.	)	tion for Veterinary Techni-
		cians.

No Hearing Contemplated

TO: All Interested Persons

1. On April 14, 1977, the Board of Veterinarians proposes to adopt a Rule to implement Section 66-2209, R.C.M., 1947; and adoption of Rules requiring continuing education for Veterinary Technicians.
2. The proposed Rule to implement Section 66-2209 R.C.M., 1947, will clarify the meaning of the words, "For remuneration or hire," used in Sub-section (e) 2 Section 66-2209, as follows:

"For purposes of Section 66-2209 (e) R.C.M. 1947, the words, 'For remuneration or hire,' shall mean direct or indirect payment for the services rendered. This includes not only monetary payments but also payment by the giving or receiving of material goods, or services."
3. The Rules requiring continuing education for Veterinary Technicians as proposed will read as follows:
 - A. Each Veterinary Technician registered by the Montana Board of Veterinarians shall be required to attend a continuing education program each year before becoming eligible for renewal on July 1st.
 - B. The continuing education program shall consist of a minimum of five hours and a maximum of fifty hours. The required number of hours will be set annually by the Board.
 - C. Credit hours may be earned by one hour of credit for each hour of attendance at in-depth meetings approved by the Board. Local area in-depth meetings should have

Board approval in advance.

- D. Each year, every Veterinary Technician will be required to certify the number of credit hours earned on a form provided by the Board. These forms will be mailed with the Annual Renewal Notice.
4. Interested persons may submit their data, views, or arguments concerning the proposed adoptions in writing to the Board of Veterinarians, LaLonde Building, Helena, Montana. Written comments, in order to be considered, must be received no later than April 13, 1977.
 5. If any person directly affected wishes to express his data, views, and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he may have to the Board of Veterinarians on or before April 13, 1977.
 6. If the Board receives requests for a public hearing on the proposed adoptions from twenty-five (25) or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Montana Administrative Register.
 7. The authority of the Board of Veterinarians to make these proposed adoptions is based on Section 66-2202 R.C.M., 1947.

DATED this 17th Day of March, 1977

BOARD OF VETERINARIANS
Jack L. Rea, D.V.M.
Chairman

By: Ed Carney
Ed Carney, Director
Department of Professional
and Occupational Licensing

Certified to the Secretary of State 3-17, 1977.

Title 42

Revenue

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of adoption of) NOTICE OF PUBLIC HEARING FOR
rules relating to the Des-) ADOPTION OF RULES RELATIONG
ignation of Police as Au-) TO THE DESIGNATION OF POLICE
thorized Representative.) AS AUTHORIZED REPRESENTATIVE

TO: All Interested Persons

1. On February 10, 1977, at 9:30 a.m., a public hearing will be held in the Conference Room of the Montana Historical Society Building, Helena, Montana, to consider the adoption of rules relating to the Designation of Police as Authorized Representative

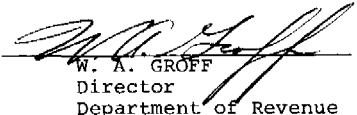
2. The proposed changes are as follows, (new matter is underlined):

42-2.12(6)-S12100 - Designation of Police as Authorized Representative. The Montana Department of Revenue does here-
by designate as its authorized representative for the purpose
of carrying out Section 4-6-204, any member of the police
force of a city or town and said police force is organized
pursuant to Title 11, Chapter 18, R.C.M. 1947. (Met-
ropolitan Police Law).

3. Interested parties may submit their data, views, or arguments concerning the proposed rules in writing to R. Bruce McGinnis, Deputy Tax Counsel, Department of Revenue, Mitchell Building, Helena, Montana 59601. Written comments in order to be considered must be received not later than February 10, 1977.

4. Kenneth Wynn, Administrator, Liquor Division, Department of Revenue, Mitchell Building, Helena, Montana 59601, has been designated by the Director of Revenue to preside over and conduct the hearing.

5. The authority of the Department to make the proposed rule is based on Section 4-1-302; 4-1-303, R.C.M. 1947, as amended.


W. A. GROFF
Director
Department of Revenue

Certified to the Secretary of State January 12th, 1977.

1-1/24/77

MAC Notice No. 42-2-84

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment	)	NOTICE OF AMENDMENT OF
of Rules 42-2.14(2)-S14020	)	RULES PERTAINING TO GROSS
Gross Receipts Withholding and	)	RECEIPTS TAX.
42-2.14(2)-S14050 Personal	)	NO PUBLIC HEARING
Property Tax Credit.	)	CONTEMPLATED

TO: All Interested Persons

1. On February 14, 1977, the Department of Revenue proposes to amend the rules 42-2.14(2)-S14020 Gross Receipts Withholding and 42-2.14(2)-S14050 Personal Property Tax Credit.

2. The proposed changes provide as follows, (matter to be stricken is interlined and new material is underlined.

3. Rule 42-2.14(2)-S14020 as proposed to be amended is as follows:

42-2.14(2)-S14020 GROSS RECEIPTS WITHHOLDING (1) The governmental agencies or departments thereof, ~~or subletting contractors~~ that have awarded a contract ~~or subcontract~~ for the performance of public construction or reconstruction works and are making payment for the satisfactory performance of said contract, ~~or subcontractor~~ or any increment thereof, shall withhold one percent (1%) of the amount due and transmit such amount withheld to the Department of Revenue along with a Gross Receipts Withholding Report (form PC-2) which shall contain the following:

(a) The governmental agency, or department thereof ~~or contractor~~ who awarded the contract and who is making payment;

(b) The contract number, location, general description of construction to be performed and the date contract was awarded;

(c) The name and address of the contractor ~~or sub-contractor~~ to whose account the 1% payment is to be credited;

(d) The total sum of increment due the contractor ~~or subcontractor~~ including any amounts to be withheld until completion of the contract;

(e) The total sum of increment due the contractor ~~or subcontractor~~ less any amount to be withheld until completion of the contract but including the 1% withholding;

(f) The net amount paid the contractor at the time of reporting;

(g) The amount transmitted to the Department of Revenue at time of reporting.

(2) Any contractor subletting a contract is also required to ~~comply with the provisions of this section~~ withhold 1% of the amount due his subcontractor but will not transmit such amount to the Department of Revenue. He will complete the Gross Receipts Withholding Report (form PC-2) checking the box marked "Subcontractor Allocation". The amount withheld (amount shown on line 8 on form PC-2) will then be credited to the subcontractor and deducted from the original 1% which was withheld from the prime contractor. For failure to file the allocation report within the required thirty (30) day period, a penalty of 10% of the tax withheld from the subcontractor shall be due from the prime contractor.

(3) The withholding agent or agency must in all cases issue a receipt to the prime contractor or subcontractor for all monies withheld under this act.

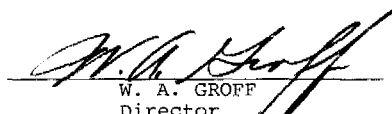
4. Rules 42-2.14(2)-S14050 PERSONAL PROPERTY TAX CREDIT

(1) Public contractors, who have had one percent (1%) of the gross amount due to them under their respective contracts withheld by the respective contracting governmental agencies or departments, prime contractors, shall be allowed, as ~~a credit against the gross receipts fees~~, refund from his gross receipts tax account, those personal property taxes paid between January 1, and December 31, on ~~the contractor's contracting business property~~ any personal property of the contractor which is used in the business of the contractor. These refunds shall be allowed upon delivery to the Department of Revenue of copies of the applicable personal property tax paid receipts, provided such application is mailed or delivered on or before ~~December 31~~ March 1, of the year following the year in which the personal property tax liability is incurred and paid.


5. If a person directly affected wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request along with any written comments he has to Mr. Groff on or before February 14, 1977.

6. If the Department of Revenue receives requests for a public hearing on this proposed repeal from more than twenty-five (25) persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Montana Administrative Register.

7. The authority of the Department of Revenue to amend the rule is based on Section 84-3515, R.C.M. 1947.


W. A. GROFF
Director
Department of Revenue

Certified to the Secretary of State January 12, 1977

1-1/24/77 

MAC Not. No. 42-2-85

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF PROPOSED AMENDMENT
of rules relating to income) OF RULES PERTAINING TO INCOME
tax.) TAX
)
)
) NO PUBLIC HEARING
CONTEMPLATED

TO: All Interested Persons

1. On March 17, 1977, the Department of Revenue proposes to amend the rules 42-2.8(1)-S8070, 42-2.8(1)-S8600, 42-2.8(1)-S8860, and 42-2.8(1)-S8910.

2. The proposed changes provide as follows, (old matter interlined, new matter underlined).

42-2.8(1)-S8070 WHO MUST REPORT INCOME PAYMENTS (1)
Every person, firm, corporation, association, partnership and fiduciary (including the State of Montana, its agencies and political subdivisions) is required to report payments made to individuals, unless Montana income tax has been withheld thereon, with respect to dividend and interest payments of ~~\$10.00 or more than \$10.00~~; and gains and profits of ~~\$600.00 or more than \$600.00~~ as defined in MAC 42-2.8(1)-S8590 through 42-2.8(1)-S8600.

42-2.8(1)-S8600 INCOME REPORTED BY INFORMATION AGENTS

(1) Information agents must report the following payments:

(a) Dividends, interest as defined in Section 6409 of the Internal Revenue Code, and payments under a retirement plan covering an owner-employee as defined in Section 401 (c) (3) of the said Code, if the amounts paid to any one individual during the year total ~~\$10 or more than \$10~~.

(i) Interest and dividends paid to persons who are not residents of Montana need not be reported. Insurance companies need not report installment payments of life insurance proceeds payable by reason of the death of the insured.

(b) Interest (other than that specified under MAC 42-2.8(1)-S8600 (1)(a), rents royalties, salaries, wages, bonuses, commissions, prizes, awards, annuities, pensions and other fixed or determinable gains, profits and income, if the amounts paid to any one individual during the year total ~~\$600 or more than \$600~~.

2-2/25/77

MAC Notice No. 42-2-86

4202.8(1)-S8860 APPLICATION FOR REVISION AND HEARING THEREON (1) Any taxpayer filing an application for revision pursuant to Section 84-4922, R.C.M. 1947, shall file such application by mailing the original and one copy thereof to the ~~Administrator-of-income-Tax~~ Director of the Department of Revenue, 59601. Upon receipt of the application, the ~~Administrator~~ Director shall assign the application a docket number, file the original application in a permanent file to be maintained by him and forward the copy of the application to the Income Tax Division. The ~~Administrator~~ Director shall set the application for hearing and notify the applicant of the time and place for such hearing and of the docket number assigned to his application and shall advise the Income Tax Division concerning the time and place for the hearing.


42-2.8(1)-S8910 EVIDENCE (1) The applicant may present evidence in any reasonable manner, including oral testimony, deposition, affidavit, or verified statement of fact, but must present evidence supporting each allegation of fact contained in his application for revision. The Department may take official (judicial) notice of matters of which a court of law may take notice. Reasonable presumptions of law shall apply. Stenographic transcripts of the entire proceedings will be kept only when requested by the applicant or when in the opinion of the Department it is necessary. Court rules of evidence shall apply, and probative evidence is required to sustain each allegation of fact. All evidence admitted shall become a permanent part of the record and shall be placed in the docket file maintained by the ~~Administrator-of-income-Tax-Division~~ Director of the Department of Revenue.

3. Interested parties may submit their data, views or arguments concerning the proposed amendments, he must make written request for a public hearing and submit this request along with any written comments he has to Mr. Groff on or before March 17, 1977.

4. If the Department of Revenue receives requests for a public hearing on this proposed repeal from more than twenty-five (25) persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Montana Administrative Register


5. The authority of the Department of Revenue to amend the rules is based on Sections 84-708.1 and 84-4930, R.C.M. 1947.

(3)



W. A. GROFF
Director
Department of Revenue

Certified to the Secretary of State February 14, 1977

2-2/25/77 

MAC Notice No. 42-2-86

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the Proposed)	NOTICE OF PROPOSED REPEAL OF
Repeal of MAC 42-2.8(1)-)	MAC 42-2.8(1)-S8700 and
S8700 and MAC 42-2.8(1)-)	MAC 42-2.8(1)-S8750
S8750 relating to Income Tax.)	
	NO PUBLIC HEARING
	CONTEMPLATED

TO: All Interested Person

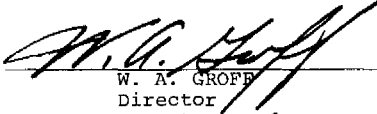
1. On March 17, 1977, the Department of Revenue proposes to repeal MAC 42-2.8(1)-S8700 and MAC 42-2.8(1)-S8750 relating to Income Tax. The rules proposed for repeal duplicate other permanent rules.

2. The rules under consideration for repeal are found on pages 42-88 and 42-90 of the Montana Administrative Code.

3. Interested parties may submit their data, views or arguments concerning the proposed repeal in writing to W. A. Groff, Director of the Department of Revenue, Mitchell Building, Helena, Montana 59601. Written comments in order to be considered must be received not later than March 17, 1977.

4. If the Department of Revenue receives requests for a public hearing on this proposed repeal from more than twenty-five (25) persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Montana Administrative Register.

5. The authority of the Department of Revenue to amend the rules is based on Sections 84-708.1 and 84-4930, R.C.M. 1947.


W. A. GROFF
Director
Department of Revenue

Certified to the Secretary of State February 14, 1977.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF PROPOSED AMENDMENT
of Rule relating to special) OF RULES PERTAINING TO
motor fuel's tax.) SPECIAL MOTOR FUEL'S TAX.
)
) NO HEARING CONTEMPLATED

TO: All Interested Persons

1. On March 17, 1977 the Department of Revenue proposes to amend rule 42-2.18(6)-S18110.

2. The proposed change provides as follows, (old matter interlined, new matter underlined).

42-3.18(6)-S18110 SPECIAL FUEL LICENSE-VEHICLE PERMIT

(1) Any person who uses fuel other than gasoline to propel a motor vehicle upon the highways of this state is required to make application for and obtain a fuel license, and a special fuel vehicle permit for each vehicle which is self-propelled upon the highways of this state, whether bearing an SM plate, or registered under Title 53, R.C.M. 1947, shall be subject to all taxes and permits levied or imposed by Title 84, Chapter 18, R.C.M. 1947.

2. All licensed special fuel users operating as truck dealers who demonstrate special fuel powered vehicles either for their own use or demonstration purposes, must obtain from the department a special fuel users demonstration fuel permit. The truck dealer will be responsible for executing the permit, reporting the operations of the vehicle in payment of all special fuel taxes accrued through the use of the permit. The demonstration permit will be valid for seven days from the date issued by the dealer.

3. ~~Annual-Renewal-of-Special-Fuel-Vehicle-Permits~~
Expiration of Special Fuel Vehicle Permits (a) Vehicle permits shall be ~~renewed each calendar year by not later than December 31.~~ The vehicle permits shall be valid through February 28 of the following year valid until suspended or revoked for cause or until the transfer or sale of the motor vehicle.

(b) The vehicle permit shall contain the users special fuel license number, the special fuel vehicle permit number, the users name, address, legal description of the vehicle, ~~the year for which it is valid, and the expiration date~~ and the date issued.

(c) Vehicle permits are not transferrable and are valid

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only for the person in whose name the permit is issued. Any vehicle displaying a permit other than the registered owner must have a valid lease agreement in the vehicle.

(4) **Special Fuel Courtesy Vehicle Permits** Any out of state user who operates a recreational passenger car, pickup truck or family motor coach powered by special fuels (diesel fuel or LPG), shall secure a special fuel users courtesy vehicle permit. The permit is valid for ninety (90) days from the date of issuance. There is no charge for the vehicle permit. Users who have fuel capacity in excess of thirty (30) gallons may be required to file a report to the Department of Revenue upon request, of all fuel used in Montana and to pay the tax on fuel on which the tax has not been paid.

(5) **Temporary Clearance in Lieu of a Special Fuel Users License/Permits** (a) Any special fuel user who has a corporate surety bond or cash bond on file with the Department of Revenue, or can confirm the issuance of such a bond through a bonding company may request temporary authority prior to operating within the State of Montana. This authority is subject to approval by the Department.

(b) This authority may be obtained on any or all vehicles listed on the original application for special fuel user's license, as well as any additional units obtained during the time his special fuel user's license is active with the Department. Either a letter, telegram or telefax communication may be sent to the special fuel user allowing him temporary operating authority. Should the user be domiciled outside the State of Montana, clearance shall be sent outside of this state, and if the user is domiciled in Montana, clearance shall be sent only to the user's place of domicile, or place of business. Authority may be sent to the location where a new or used vehicle is purchased.

(6) **Compliance Bonds**

(a) At the time a special fuel user wishes to become licensed in Montana and has not yet filed a corporate surety bond or posted a cash bond with this agency, he may post a \$100.00 cash compliance bond on each vehicle at any weigh station. This one hundred dollars (\$100.00) provides thirty (30) days temporary authority for the vehicle listed.

The \$100.00 compliance bond is posted with the proper authorities with the intent that the special fuel user shall make application for a special fuel user's license and file a \$500.00 corporate surety bond or a cash bond within thirty (30) days of issuance of the compliance bond. When the


special fuel user complies with all Motor Fuel Tax Division licensing requirements and files a fuel tax return for the thirty (30) day period covered by the compliance bond on the vehicle involved, the \$100.00 will be refunded subject to approval of this office. Upon determination by the Motor Fuel Tax Division that the licensing requirements have not been met within the thirty (30) day period, the \$100.00 bond will be immediately forfeited.

(b) Agricultural Harvesting Equipment Persons operating agricultural harvesting equipment using special fuel are required to comply with the Special Fuel Tax Act in the same manner as all other special fuel users in Montana or they shall be required to purchase a non-resident agricultural harvesting permit pursuant to Section 84-1842, R.C.M. 1947, as amended, by Laws of 1975, Chapter 440.

3. Interested parties may submit their data, views or arguments concerning the proposed amendments, he must make written request for a public hearing and submit this request along with any written comments he has to Mr. Groff on or before March 17, 1977.

4. If the Department of Revenue receives requests for a public hearing on this proposed amendment from more than twenty-five (25) persons directly affected, a public hearing will be made by publication in the Montana Administrative Register.

5. The authority of the Department of Revenue to amend the rules is based on Section 84-1838, R.C.M. 1947.


W. A. GROFF
Director
Department of Revenue

Title 46

Social & Rehab.

Ser.

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the adoption)	NOTICE OF PROPOSED ADOPTION OF
of rules 46-2.14(76)-S14755)	AND AMENDMENTS OF RULES PER-
and 46-2.14(91)-S14875; and)	TAINING TO THE REHABILITATIVE
of the amendment of rules)	SERVICES DIVISION.
46-2.14(94)-S14900 and 46-2.)	NO PUBLIC HEARING
14(94)-S14910 relating to the)	CONTEMPLATED
vocational rehabilitation ser-))	
vices program.)	

TO: All Interested Persons

1. On March 17, 1977, the Department of Social and Rehabilitation Services proposes to adopt rules MAC 46-2.14(76)-S14755 and 46-2.14(91)-S14875; and to amend rules 46-2.14(94)-S14900 and 46-2.14(94)-S14910 relating to the vocational rehabilitation services program.

2. The proposed adoption of the new rules shall consist of two new sub-chapters; one of which will outline the general provisions for determination of rehabilitation potential and eligibility and one of which will outline the order of selecting persons eligible for vocational rehabilitation services.

The proposed amendments would read as follows:

"Rule 46-2.14(94)-S14900 DEFINITIONS (1) Rehabilitation Facility: Defined in ~~Section 461.1 of the Federal Register~~ 45 C.F.R. 1361.1 as a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals and which provides, singly or in combination, one or more of the following services for handicapped individuals: ***

(6) *** No sheltered workshop or separate department thereof shall qualify as a work activities center if the average productivity per handicapped worker is \$650 \$1,225 or more per year as measured by dividing the total annual earned income of the work program less the cost of purchased materials used, by the average number of clients in the work program or, if wage payments are primarily at piece rates, the average annual labor rate per client is \$600 \$875 or more as measured by dividing the total annual wages of the clients by the average number of clients in the work program.*** Where information is not available for a year, a tempor-

any certificate for not more than six months may be issued based on the limited information available if it is represented that the center expects and has good reason to believe that the conditions hereinabove specified will be satisfied when one year's data are available. ****

"Rule 46-2.14(94)-S14910 REHABILITATION FACILITIES

(1) *** (2) *** (3) *** (4) *** (a) ***

(b) Grants will be considered only for those facilities possessing either provisional certification or CARF accreditation. Facilities seeking construction grants must also meet minimum standards described in Part-402 of the Federal Register, Volume-39, No-235 45 C.F.R. 1362.

(5) ****

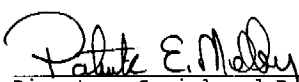
3. All issues relevant to the proposed rule adoptions and rule amendments shall be considered by the Department.

4. Interested parties may submit their data, views or arguments concerning the proposed rule in writing to: Legal Unit, P. O. Box 4210, Helena, Montana, 59601. Written comments must be received no later than March 10, 1977, in order to be considered by the Department.

5. If a person directly affected wishes to express his data, views or arguments orally or in writing at a public hearing, he must make written request for a public hearing and submit this request, along with any written comments he has, to the Legal Unit, Department of Social and Rehabilitation Services, P. O. Box 4210, Helena, Montana, 59601, on or before March 10, 1977.

6. If the Department receives requests for a public hearing on the proposed rule by more than ten percent (10%) or twenty-five (25) or more persons directly affected, a public hearing will be held at a later date. Notification of parties will be made by publication in the Administrative Register.

7. The authority of the Department to adopt and amend the above rules is based on Section 71-2105, R.C.M. 1947.


Director, Social and Rehabilitation
Services

Certified to the Secretary of State February 14, 1977.

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the repeal of) NOTICE OF PUBLIC HEARING OF
rules MAC 46-2.6(2)-S6180) RULES PERTAINING TO CHILD
through 46-2.6(2)-S6200 and the) CARE AGENCIES.
adoption of rules relating to)
child care agencies.)

TO: All Interested Persons

1. On March 17, 1977, the Department of Social and Rehabilitation Services intends to repeal rules MAC 46-2.6(2)-S6180 through 46-2.6(2)-S6200 relating to day care agencies. In turn, the Department intends to adopt new rules and regulations relating to this program. On Friday, March 11, 1977, at 10:00 a.m., a public hearing will be held in the Auditorium of the State Department of Social and Rehabilitation Services, 111 Sanders Street, Helena, Montana, to consider the proposed rules. Interested persons may submit their data, views or arguments, orally or in writing, at this hearing. Written data, views or arguments may be submitted to M. Gene McLatchy, P. O. Box 4210, Helena, Montana, 59601, any time before March 8, 1977.

2. The Department intends to repeal existing rules relating to child care agencies. The adoption of Sub-Chapter 3 of Chapter 6 will incorporate new rules and regulations pertaining to this program. Sub-Chapter 3 of Chapter 6, Day Care Agencies, will outline the purpose of the day care agencies, licensing procedures, licensing standards, agency incorporation, responsibilities of the Board for day care agencies, record keeping and reporting, personnel policy, admissions, staff administration, etc. Because of the length of the proposed rules, the text is not printed herein. However, a copy of the rules may be obtained by writing to the Legal Unit, Department of Social and Rehabilitation Services, P. O. Box 4210, Helena, Montana, 59601.

3. M. Gene McLatchy, P. O. Box 4210, Helena, Montana, has been designated by the Director of the Department of Social and Rehabilitation Services to preside over and conduct the hearing.

4. The authority of the Department of Social and Rehabilitation Services to adopt these rules is based on Title 10 Chapter 8 of the Revised Codes of Montana.

(2)

Patrick E. Mulvey
Director, Social and Rehabilitation
Services

Certified to the Secretary of State February 14, 1977.

Title 48

Supt. of Public
Instruction

BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION
OF THE STATE OF MONTANA

In the Matter of the Amendment)	
of the Special Education Rules	)	NOTICE OF PUBLIC HEARING
and Regulations Adopted by the	)	AMENDMENT OF SPECIAL
State Superintendent in	)	EDUCATION RULES
March, 1975)	

TO: All Interested Persons

1. On June 18, 1977, at 10:00 a.m. a public hearing will be held in the chambers of the House of Representatives of the State of Montana, in the State Capitol Building, Helena, Montana, to consider the amendment of the special education rules promulgated by the State Superintendent in March, 1975. These rules are not presently published in the Montana Administrative Code.

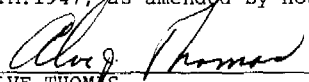
2. The proposed amendments implement the provisions of Title 75, Chapter 78, as amended by House Bill No. 816 enacted by the 1977 Montana Legislative Session, Public Law 94-142 adopted by the 94th Congress of the United States, and the policies of the Board of Public Education. The proposed amendments change sections 1-10 and appendices A, B, C, D, E, F and G. Copies of the proposed amendments and the existing rules are available at no cost to all submitting a request in writing to:

Mr. Clark Fowler
Office of Public Instruction
State Capitol
Helena Montana 59601

3. Interested persons may present their data, views or arguments whether orally or in writing at the hearing.

4. Georgia Rice, the Superintendent of Public Instruction, State Capitol, Helena, Montana 59601 or her designee will preside over and conduct the hearing.

5. The authority of the State Superintendent to make the proposed amendments is based on Sections 75-7802 (2), 75-7813.1(2), 75-7813.1(3), R.C.M.1947, as amended by House Bill 816.


ALVE THOMAS
Deputy Superintendent of
Public Instruction

Certified to the Secretary of State May 16, 1977

BEFORE THE BOARD OF COSMETOLOGISTS
OF THE
DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER OF THE PROPOSED
amendment and transfer of MAC
40-3.30(6)-S30405, Electrolysis;
and adoption of new rules to
implement Title 66, Chapter 36,
R.C.M., 1947, Electrology

) NOTICE OF PROPOSED AMENDMENT AND
) Transfer of MAC 40-3.30(6)-S30405,
) Electrolysis; and adoption of new
) rules to implement Title 66,
) Chapter 36, R.C.M., 1947,
) Electrology

No Hearing Contemplated

TO: ALL INTERESTED PERSONS

1. On May 17, 1976, the Board of Cosmetologists of the Department of Professional and Occupational Licensing proposes to amend and transfer MAC 40-3.30(6)-S30405, Electrolysis; and adoption of new rules to implement Title 66, Chapter 36, R.C.M., 1947, Electrology.
2. The amendment as proposed will make the following changes;
 - (a) Sub-section (1) will be amended in entirety and replaced by the following language:

"(1) Any person who is currently licensed to practice electrology in another state by the appropriate state board of that state, whose requirements are equal to or greater than Montana, may at the discretion of the state board be licensed to practice in this State without examination."
 - (b) Sub-section (3) thereunder will be amended by adding the following words: (new matter underlined)

"(3) Any person who has been actively engaged in the practice of electrology for at least one (1) year immediately prior to July 1, 1975 shall be granted a Montana Electrolysis License without examination. Such applications must be submitted no later than July 1, 1976 to qualify."
3. MAC 40-3.30(6)-S30405 is further proposed to be transferred to a new Sub-Chapter which will become Sub-Chapter 8. However, in accordance with format instructions, the rule number will remain the same with the exception of the Sub-Chapter number and the rule will continue to appear in the same place in the board's chapter.
4. The new rules proposed will read as follows:

License by Examination

 - (1) Applications for examination will be accepted if

the application is completed correctly and is accompanied with the following credentials plus the appropriate fees:

- (a) Health statement completed by a licensed practicing physician.
High school diploma - or its equivalent
Certified hours record from either the school where applicant attended or the State Board record showing that the student had successfully completed a continuous course of theoretical study and actual practice of five hundred (500) hours in a licensed electrology school.
- (b) An electrologist with less than five hundred (500) hours of training must provide a notarized statement from a former employer, showing proof of actual experience of three (3) out of the last four (4) calendar years immediately preceding the application to be eligible for examination.

- (2) All applications for examination must be filed with the office of the board at least twenty (20) days prior to the examination date.

Examination:

- (1) Examinations for an electrologist license will be held at least once a year at a place and time specified by the state board.
- (2) The examination for an electrologist license consists of a written test and a practical demonstration.
- (3) In order to pass the examination to practice electrology, an applicant must obtain a grade of not less than seventy-five (75) percent in the practical application and not less than seventy-five (75) percent on the written theory examination.
- (4) Examination papers are considered as state board records.
- (5) Applicants registered for examination but for good reason cannot appear must notify the office of the board before the examination date or forfeit the examination fee.

Application - Salon:

- (1) All applications for registration of an electrology salon must be completed in their entirety, notarized and sent into the office of the board.
- (2) Any change of ownership and/or location requires a new application for registration and a new registration fee to be paid.

BEFORE THE DEPARTMENT OF
PROFESSIONAL AND
OCCUPATIONAL LICENSING
OF THE
STATE OF MONTANA

IN THE MATTER of the adoption) NOTICE OF PROPOSED ADOPTION
of rules to implement Section) OF RULES TO IMPLEMENT LEG-
66-3301 through 66-3331 R.C.M.) ISLATION TO LICENSE AND
1947 (Private Investigators and) REGULATE PRIVATE INVESTI-
Private Patrol Operators) GATORS AND PRIVATE PATROL
Licensing Law).) OPERATORS.

Public Hearing Contemplated

TO: All Interested Persons

1. On August 9, 1974, at 1:00 P.M., a public hearing will be held in the Senate Chambers, State Capitol, Helena, Montana, to consider the adoption of rules to implement Private Investigators and Private Patrol Operators legislation (Chapter No. 234, Senate Bill No. 545 1974 Session laws).
2. A complete copy of the proposed rules may be obtained by contacting the Department of Professional and Occupational Licensing, LaLonde Building, Helena, Montana.
3. Among the issues to be considered by the Department of Professional and Occupational Licensing are minimum experience, training and education requirements of licensees, passing examination scores, identification card information, creation of earmarked revenue fund, authority to expend fees, amount of fees, types of licenses to be issued, employee records, contents of application and responsibilities of licensees.
4. Interested persons may present their data, views or arguments, whether orally or in writing, at the hearing.
5. Timothy J. Meloy, Hearings Officer, has been designated by the Director of the Department of Professional and Occupational Licensing to preside over and conduct the hearing for the Department of Professional and Occupational Licensing.
6. The authority of the Department of Professional and Occupational Licensing to make the proposed rules is based on Section 66-3303 R.C.M. 1947.

7-7/25/74

MAC Notice No. 40-2-84-1

(2)

Dated this 15 day of July, 1974.

Department of Professional
and Occupational Licensing

Ed Carney
Ed Carney, Director