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**RESERVE**

# **MONTANA ADMINISTRATIVE REGISTER**

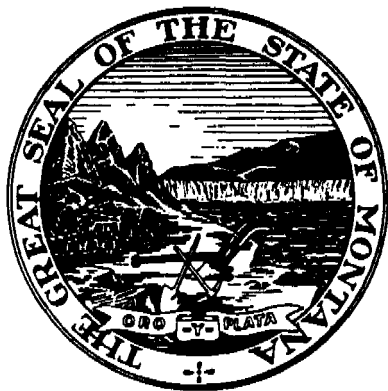
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**APR 26 1979**

**OF MONTANA**

**1979 ISSUE NO. 8**

**PAGES 383 — 394**



NOTICE: The July 1977 through June 1978 Montana Administrative Registers have been placed on jacketing, a method similar to microfiche. There are 31 jackets 5 3/4" x 4 1/4" each, which take up less than one inch of file space. The jackets can be viewed on a microfiche reader and the size of print is easily read. The charge is \$.12 per jacket or \$3.72 per set. If the set is to be mailed, please include \$.93 postage. Montana statutes require prepayment on all material furnished by this office. Please direct your orders along with a check in the correct amount to the Secretary of State, Room 202, Capitol Building, Helena, Montana, 59601. Allow one to two weeks for delivery.

## MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 8

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NOTE: Please check that all pages have been included in your  
Montana Administrative Register.

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

In the matter of the amend- ) NOTICE OF PROPOSED AMEND-  
ment of Rule 12-2.6(3)-S6170 ) MENT OF RULE 12-2.6(3)-S6170  
relating to bird stamp art- ) RELATING TO BIRD STAMP  
work contest rules ) ARTWORK CONTEST RULES  
 ) NO PUBLIC HEARING  
 ) CONTEMPLATED

TO: All Interested Persons:

1. On the 29th day of May, 1979, the Department of Fish and Game proposes to amend the following rule.
2. The rule as proposed to be amended provides as follows:

12-2.6(3)-S6170 BIRD STAMP ARTWORK CONTEST RULES  
(1) There will be an annual contest for selection of a design for the game bird licenses, Class A-1 and Class B-1, when issued by the department in the form of stamps.

Individuals who desire to submit artwork for consideration as the design selected for a license year may do so under the provisions of this rule.

(2) Before artwork may be considered by judges, it must meet the following criteria:

(a) The design must be horizontal, 5 inches in height by 7 inches in width.

~~(b) Mat may be used, and when used, mat may be no larger than 8 inches in height by 10 inches in width.~~

~~(c) (b) Frames may not be used, nor may the artwork be under glass. Acetate or similar clear plastic coverings, if readily detachable, are acceptable.~~ Artwork must be mounted on 8" x 10" matboard or other rigid material and covered with some type of clear plastic which is readily detachable.

~~(d) (c)~~ (c) Name and address of the artist should be lettered on the back of the artwork. No scroll work or lettering may be included on the artwork itself.

~~(e) (d)~~ (d) Artwork designs may feature any Montana upland game bird or any migratory waterfowl of the family Anatidae. Hunting scenes or other features may be part of the artwork; however, the bird species depicted must be the dominant feature.

~~(f) (e)~~ (e) The entry must not have been previously reproduced. The design must be of the individual's own creation, neither copied nor duplicated from

previously published art, including paintings, drawings in any medium, or published photographs.

~~(g)~~ (f) Artwork may be composed in black and white or multicolor, and in the mediums of acrylic, oil, watercolor, scratch board, pen and ink, or similar medium; however, photographs may not be submitted for consideration.

~~(h)~~ (g) Artwork must not have been a winning design in a federal duck stamp competition.

~~(i)~~ (h) Artwork may not be of a species depicted in a winning entry during the three preceding years in the contest.

(3) Individuals who desire to submit artwork must meet the following qualifications:

(a) be a resident of the state of Montana; and

(b) submit only one entry per year; ;

(c) must not have been a winner of the Montana bird stamp contest the preceding year.

(4) Judging of the artwork will be as follows:

(a) A panel of three ~~five~~ individuals, selected by the director/commissioners, with expertise in art, ornithology, bird hunting, conservation, ~~or~~ painting, or printing shall make the selection of the winning entry.

(b) The selection will occur at a time and place to be set and published by the judges. At that time the judges will meet and select one of their number to act as head judge for all official purposes. During the selection, the names of the artists shall remain unknown to the judges.

(c) After selection of a winning entry, the judges shall notify the director/commissioner of the selection in writing signed by all judges.

(d) The name of the winner shall not be divulged until he or she has been notified by the director or the director's agent.

(e) JUDGING PROCEDURE:

One winner only will be selected from the entries. Prior to judging, each entry will have been assigned a number. A listing of numbers with names of corresponding artists will be maintained at the fish and game office in Helena.

FIRST JUDGING - During the judging procedure, each judge will reach his or her decision individually and shall not confer with other judges. Each judge shall list by number his choice of six entries. These selections will then be set aside from other entries for further judging.

SECOND JUDGING - From the selections of the

first judging, each judge shall list by number his choice of three entries. These selections will then be set aside from other entries for further judging.

FINAL JUDGING - On forms provided by the department, each judge shall assign a point value to each of the entries selected from second judging. The highest point value will indicate the most desirable entry. The entry receiving the greatest total points shall be the winning entry.

Numerical points will be determined by the number of final entries. For example, if there are nine final entries, then the point values will be from one through nine. If there are four final entries, then the point values will be from one through four, etc.

Each point value may be assigned only once. Example: one point may be assigned to one entry only; two points may be assigned to one entry only, etc.

In the event of a tie between three or more entries, scoring of the last selections will be repeated until a winning entry is selected or until there is a tie between two entries.

In the event of a tie between two entries, each judge will have one ballot vote to determine the winner.

(5) Deadlines for this contest are as follows:

(a) Entries will be accepted between ~~October 1~~ September 1 and ~~November-30~~ October 30, inclusive, each year. These entries shall be submitted to the Helena office of the department. Untimely entries may not be considered by the judges.

(b) Judges must meet and select the winning entry by ~~January-15~~ December 15 following closure of acceptance period.

(c) Artwork shall be returned to the participating artists by February 15 following the selection.

(6) Individuals submitting entries do so with the following understandings:

(a) The artist retains reproduction rights.

(b) Neither the department nor the commission will provide any financial remuneration; however, the winning artist will receive 10 bird stamps depicting that artist's winning entry.

(c) While the department will take reasonable precaution to protect all entries from damage, it does not take responsibility for loss of an entry through the mail, by fire or theft.

(d) The department will be provided with one

of the limited edition prints of a winning entry.  
This print will be retained in a permanent collection of winning entries.

3. The proposed amendment modifies Rule 12-2.6(3)-S6170 found on page 12-18.5 of the Administrative Rules of Montana.

4. The amendments to this rule are based upon the past year's experience. Rationale for specific amendments is as follows:

A. The 8"x10" matboard or other rigid material requirement is to make entries comparable in size and make the entries easier to display and judge.

B. Purposes of the contest are to encourage original artwork and to give opportunity for as many artists as possible to compete; thus the requirement that an entry may not have been previously reproduced and that the past year's winner is not eligible.

C. The past year's experience has shown three judges can adequately perform the judging.

D. Divulging the winner's name by someone other than the director or his agent detracts from the spirit of the contest.

E. A judging procedure will provide a standard method of selecting a winning entry and remove confusion and inconsistency from the process as it is carried out from year to year.

F. The deadlines are made earlier in order to provide more time for judging and public viewing of the entries and to provide adequate time to meet printing schedules.

G. The department should initiate and preserve a collection of winning entry stamps; thus the requirement that one of the limited edition prints be provided to the department.

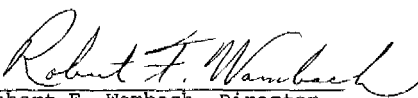
H. The department's responsibility to take reasonable precaution does not begin until the entry is in actual possession of the department; thus the mail exception.

5. Interested parties may submit their data, views, and arguments concerning the proposed amendments in writing to Robert F. Wambach, Director, Department of Fish and Game, 1420 E. 6 Avenue, Helena, Montana 59601. Written comments in order to be considered must be received no later than May 25, 1979.

6. If a person who is directly affected wishes to express his data, views, and arguments orally or in writing at a public hearing, he must make a written request for a hearing and submit this request along with any written comments to Dr. Wambach at the above-stated address prior to May 25, 1979.

7. If the agency receives requests for a public hearing on the proposed amendment from more than 10% or 25 or more persons who are directly affected by the proposed amendment, or from the Administrative Code Committee of the legislature, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be in excess of 25.

8. The authority of the department to make the proposed rules is based on Section 87-1-201(7) and 87-2-107, MCA.

  
Robert F. Wambach, Director  
Department of Fish and Game

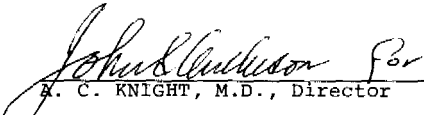
Certified to Secretary of State April 9, 1979



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

In the matter of the adoption ) NOTICE OF REVISED DATE OF  
of a rule setting requirements ) PUBLIC HEARING FOR ADOPTION  
for the control of outbreaks ) OF A RULE TO CONTROL  
of measles ) MEASLES OUTBREAKS

Notice of a hearing to consider adoption of a rule setting out reporting and quarantine requirements for control of measles outbreaks appeared in the March 29, 1979, issue of the Montana Administrative Register, Issue No. 6. That hearing was scheduled for April 30, 1979, but will be held instead on May 14, 1979, at 9:00 a.m., in Rooms 142-143, Cogswell Building, Locky and Roberts, Helena, Montana.

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

Certified to the Secretary of State April 17, 1979

BEFORE THE BOARD OF CRIME CONTROL  
OF THE STATE OF MONTANA

|                      |   |                         |
|----------------------|---|-------------------------|
| In the matter of the | ) | NOTICE OF PROPOSED      |
| amendment of Rule    | ) | AMENDMENT OF RULE       |
| 23-3.14(10)-S14040   | ) | 23-3.14(10)-S14040      |
|                      | ) | (Requirements for Peace |
|                      | ) | Officers Certification) |
|                      | ) | NO PUBLIC HEARING       |
|                      | ) | CONTEMPLATED            |

TO: All Interested Persons:

1. On May 26, 1979, the Board of Crime Control proposes to amend rule 23-3.14(10)-S14040 which provides for the certification of peace officers.

2. The rule as proposed to be amended provides as follows:

23-3.14(10)-S14040 REQUIREMENTS FOR PEACE OFFICERS CERTIFICATION

Sections (1) through (6) remain the same.

(7) The Supervisory Certificate. In addition to Section 1 and 2 above, the following are required for the award of the Supervisory Certificate

(a) Shall possess the Intermediate Certificate

(b) Shall have successfully completed the Supervisory Course at MLEA or the equivalency as designated by the P.O.S.T. Advisory Council.

(c) Currently and for one year prior to the date of application shall have served satisfactorily as a first-level supervisor as attested to by the head of the employing agency.

(i) a first-level supervisor is a position above the operational level for which commensurate pay is authorized, occupied by an officer who, in the upward chain of command, principally is responsible for the direct supervision of employees of an agency or is subject to assignment of such responsibilities and most commonly is the rank of sergeant.

(8) The Command Certificate. In addition to Section 1 and 2 above, the following are required for the award of the Command Certificate

(a) Shall possess the Intermediate Certificate

(b) Shall have successfully completed the Command or Mid-Management Course at MLEA or the equivalency as designated by P.O.S.T. Advisory Council.

(c) Currently and for one year prior to the date of application shall have served satisfactorily at the command or mid-management level as attested to by the head of the employing agency.

(i) the command or mid-management level is a position above the first-level supervisor for which commensurate pay is authorized, occupied by an officer who, in the upward chain of command, principally is responsible for directing and coordinating functional units of an agency or is subject to assignment

of such responsibilities and is commonly the rank of lieutenant or captain.

(9) The Administrative Certificate. In addition to Section 1 and 2 above, the following are required for the award of the Administrative Certificate.

(a) Shall possess the Advance Certificate.

(b) Shall have successfully completed the Administrative or Management Course at MLEA or the equivalency as designated by the P.O.S.T. Advisory Council.

(c) Currently and for a period of of one year prior to the date of application shall have served satisfactorily at the Administrative or management level of the employing agency.

(i) The administrative or management level is the top position or a position above the mid-management level for which commensurate pay is authorized, occupied by an officer who, in the upward chain of command, is either responsible for administering the agency or has broad administrative authority or is subject to assignment of such responsibilities and most commonly is a chief of police, sheriff, undersheriff or assistant chief of police.

(10) Certificates and Awards:

(a) Certificates and awards may be presented by the P.O.S.T. Advisory Council for the purpose of raising the level of competence of law enforcement and to foster cooperation among the Council, agencies, groups, organizations, jurisdictions, and individuals.

(b) Certificates and awards remain the property of the Board of Crime Control and the Board shall have the power to cancel or recall any certificate or award upon due cause determined by the Board.

(c) Basic, Intermediate Advanced, Supervisory, Command and Administrative Certificates are established for the purpose of fostering professionalization, education, and experience necessary to perform adequately the duties of the law enforcement service.

3. The new rule sets forth the requirements for certification of peace officers who serve in supervisory, command and administrative roles. The original concept for peace officers certification included certifying the supervisors and managers in law enforcement. This was not accomplished as prior to this time the training programs had not been developed at the Montana Law Enforcement Academy. These courses are now available and law enforcement personnel have requested that the certification program for supervisors, command and administrative positions be implemented.

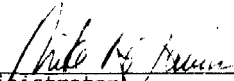
4. Interested parties may submit their data, views or arguments concerning the proposed amendment in writing to Mr. Clayton Bain, Executive Director, P.O.S.T. Advisory Council, Board of Crime Control, 1336 Helena Avenue, Helena, Montana 59601, no later than May 24, 1979.

5. If a person who is directly affected by the proposed amendment wishes to express his data, views and arguments

orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Mr. Bain no later than May 24, 1979.

6. If the agency receives requests for a public hearing on the proposed amendment from more than 10% or 25 or more persons who are directly affected by the proposed amendment, or from the Administrative Code Committee of the legislature, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 120 persons based on the number of peace officers registered with the P.O.S.T. Advisory Council.

7. The authority to make the proposed amendment is based on Section 82A-1207, RCM 1947, as amended, Section 11-1814, RCM, 1947 as amended, 2-15-3101 MCA 1979, and 7-32-4112 MCA 1979.

  
(Administrator)

Certified to the Secretary of State on April 10, 1979.

BEFORE THE BOARD OF LIVESTOCK  
STATE OF MONTANA

|                             |   |                                |
|-----------------------------|---|--------------------------------|
| In the matter of the amend- | ) | NOTICE OF PROPOSED AMEND-      |
| ment of rule 32-2.10(7)-    | ) | MENT OF RULE 32-2.10(7)-       |
| S10025 to change the fees   | ) | S10025 (Livestock Security     |
| for filing notices regard-  | ) | Agreement Fees).               |
| ing livestock security      | ) |                                |
| agreements.                 | ) | NO PUBLIC HEARING CONTEMPLATED |

TO: ALL INTERESTED PERSONS

1. On or after May 31, 1979, to be effective July 1, 1979, the Department of Livestock proposes to amend rule 32-2.10(7)-S10025 by increasing from \$7 to \$10 the fee for filing notice of a security agreement, assignment, renewal or satisfaction pursuant to Section 81-8-301 MCA.

2. The rule as proposed to be amended provides as follows: "32-2.10(7)-S10025 FEES FOR FILING NOTICES REGARDING SECURITY AGREEMENTS. Every person filing notice of a security agreement, assignment, renewal, or satisfaction pursuant to Section 52-319 81-8-301 shall pay a fee of ~~seven~~ ten 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 first being paid.

3. The rule is proposed to be amended because of increased costs involved in the processing of filing notices relating to livestock security agreements required under Section 81-8-301. Section 81-8-304 requires that fees for such filings be set by rules "upon the basis of actual costs to the department not to exceed \$15 for each brand listed."

4. Interested parties may submit their data, views or arguments concerning the proposed amendment in writing to Les Graham, Administrator, Brands-Enforcement Division, Department of Livestock, Capitol Station, Helena, Montana, 59601 no later than May 31, 1979.

5. If a person who is directly affected by the proposed amendment wishes to express his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along any written comments he has to the above identified addressed no longer than May 31, 1979.

6. If the agency receives request for a public hearing on the proposed amendment from 25 or more persons who are directly effected by the proposed amendment or from the

Administrative Code Committee of the legislature, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

7. The authority of the agency to make the proposed amendment is based on Section 81-8-304.

  
ROBERT G. BARTHELMESS  
Chairman, Board of Livestock

Certified to the Secretary of State April 13, 1979

BEFORE THE COMMISSIONER OF THE  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA


|                              |   |                              |
|------------------------------|---|------------------------------|
| In the Matter of the         | ) | NOTICE OF THE AMENDMENTS     |
| Amendment of Rules 24.15.004 | ) | OF RULES 24.15.004 AND       |
| Job Introduction Card and    | ) | 24.15.006 (REGULATING        |
| Rule 24.15.006 Advertising   | ) | PRIVATE EMPLOYMENT AGENCIES) |

TO: All Interested Persons:

1. On March 15, 1979, the Commissioner of Labor and Industry, State of Montana published notice of proposed amendments of Rules 24.15.004 and 24.15.006 (Regulating Private Employment Agencies). Notice of the proposed adoption was published on pages 221-223 of the 1979 Montana Administrative Register, Issue Number 5.

2. The Commissioner has amended the rules as proposed.

3. No comments or testimony was received. The Commissioner amended the rules upon demand from the Administrative Code Committee of the Montana Legislature through its staff attorney, Bob Pyfer, that these amendments be made by the Department of Labor and Industry.

  
\_\_\_\_\_  
DAVID E. FULLER  
Commissioner of Labor  
and Industry

Certified to the Secretary of State,

April 6<sup>th</sup>, 1979.