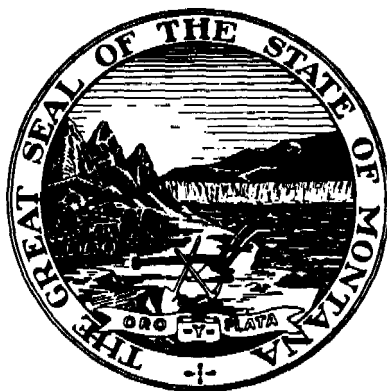


KFM
9035
1973
•A245a

RESERVE

**MONTANA
ADMINISTRATIVE
REGISTER**

1982 ISSUE NO. 14
JULY 29, 1982
PAGES 1426-1497



MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 14

The Montana Administrative Register (MAR), a twice-monthly publication, has three sections. The notice section contains state agencies' proposed new, amended or repealed rules, the rationale for the change, date and address of public hearing, and where written comments may be submitted. The rule section indicates that the proposed rule action is adopted and lists any changes made since the proposed stage. The interpretation section contains the attorney general's opinions and state declaratory rulings. Special notices and tables are inserted at the back of each register.

TABLE OF CONTENTS

NOTICE SECTION

	<u>Page Number</u>
<u>COMMERCE, Department of, Title 8</u>	
8-28-25 (Board of Medical Examiners) Notice of Proposed Amendment - Annual Registration and Fees. No Public Hearing Contemplated.	1426-1427
8-30-9 (Board of Morticians) Notice of Proposed Amendments, Repeal and Adoption - Examinations, Renewals, Arrangements, Disclosure Statement, Suspension and Revocation, Continuing Education, Professional Conduct. No Public Hearing Contemplated.	1428-1439
8-52-8 (Board of Psychologists) Notice of Proposed Adoption - Equivalent Degrees and Oral Examination. No Public Hearing Contemplated.	1440-1442
<u>EDUCATION, Title 10</u>	
10-2-44 Notice of Public Hearing on Proposed Adoption - Uniform Rules of Procedure for All School Controversy Contested Cases Before the County Superintendents of the State of Montana.	1443-1452
-i-	14-7/29/82

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

16-2-232 Notice of Public Hearing on Adoption -
Nondegradation Procedures for High Quality Waters. 1453-1459

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36-34 (Board of Oil and Gas) Notice of Proposed
Amendment - Plugging and Abandonment. No Public
Hearing Contemplated. 1460-1463

PUBLIC SERVICE REGULATION, Department of, Title 38

38-2-62 Notice of Proposed Adoption - Filing Pipe
Line Company Reports. No Public Hearing
Contemplated. 1464-1466

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

46-2-350 Notice of Public Hearing on Amendment
and Adoption - Clinic Services Under the State
Medicaid Program. 1467-1474

RULE SECTION

ADMINISTRATION, Department of, Title 2

NEW Time and Place of Trial Generally 1475

COMMERCE, Department of, Title 8

(Board of Architects)
AMD Reciprocity, Renewals, Licenses, Fee
NEW Schedule 1476

AMD (Board of Dentistry)
Examinations, Fee Schedule 1476

AMD (Board of Public Accountants)
Fee Schedule 1477

AMD Purchase and Resale of Milk 1478

AMD Licensee Assessments (Milk) 1479

AMD Pricing Rules (Milk) 1480

FISH, WILDLIFE AND PARKS, Department of, Title 12

REP Augusta Game Preserve 1481

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

AMD	Transfer of Permit (Air Quality Permits)	1482-1483
AMD	Procedure and Requirements for Licensure as a Tourist Campground or Trailer Court	1484
AMD	Requirements for Operators of Tourist Campgrounds or Trailer Courts	1484
REP	Standards for Storage of Fuel in Tourist Campgrounds or Trailer Courts	1484
REP	Fire Safety Standards for Tourist Campgrounds and Trailer Courts	1485
REP	Standards for Tourist Campgrounds	1486

LABOR AND INDUSTRY, Department of, Title 24

AMD	Extended Benefits, Pension Deduction	1487
NEW	School as a Reason for Voluntary Quit.	

REVENUE, Department of, Title 42

NEW	Montana Corporate License Tax - Dividends Received from Small Business Companies - Chapter 31, Title 15, MCA	1488
NEW	Montana Corporate License Tax - Dividends from Small Business Companies - Chapter 30, Title 15, MCA	1489

SPECIAL NOTICE AND TABLE SECTION

Notice of Functions of Administrative Code Committee	1490
How to Use ARM and MAR	1491
Accumulative Table	1492-1497

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF MEDICAL EXAMINERS

IN THE MATTER of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of 8.28.418, sub-) OF ARM 8.28.418 ANNUAL
section (3) concerning inactive) REGISTRATION AND FEES
physician fees.)

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On August 28, 1982, the Board of Medical Examiners proposes to amend rule 8.28.418, subsection (3) concerning annual registration and fees for physicians.

2. The proposed amendment will read as follows: (new matter underlined, deleted matter interlined)

"8.28.418 ANNUAL REGISTRATION AND FEES (1) Annual registration notices are to be sent by the department on or before February 1 of each year and a second notice on or before March 1 of each year.

(2) The annual license fee for a physician actively engaged in the practice of medicine on a permanent certificate shall be \$35.

(3) ~~The annual license fee for a~~ A physician with a permanent license not actively engaged in the practice of medicine in this state or absent from this state for a period of 1 or more years may renew as an annual fee of \$5.00 on a permanent certificate shall be \$35."

3. The board is proposing the rule change to comply with the legislative intent that the fees for inactive and active licensees be differentiated.

4. Interested persons may submit their data, views or arguments concerning the proposed amendment in writing to the Board of Medical Examiners, 1424 9th Avenue, Helena, Montana 59620-0407 no later than Aug. 26, 1982.

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 with any written comments he has to the Board of Medical Examiners, 1424 9th Avenue, Helena, Montana 59620-0407 no later than Aug. 26, 1982.


6. If the board receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the Administrative Code Committee of the legislature; from a governmental agency or subdivision; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

7. The authority of the board to make the proposed amendment is based on section 37-3-203, MCA and implements section 37-3-313, MCA.

-1427-

BOARD OF MEDICAL EXAMINERS
THOMAS J. MALEE, M.D., PRESIDENT

BY:



GARY BUCHANAN, DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, July 19, 1982.

14-7/29/82

MAR Notice No. 8-28-25

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF MORTICIANS

In the matter of the proposed)	NOTICE OF PROPOSED AMENDMENTS
amendments of ARM 8.30.406 con-))	OF ARM 8.30.406 EXAMINATIONS;
cerning examinations; 8.30.407)	8.30.407 RENEWALS; 8.30.602
concerning renewals; 8.30.602)	DISCLOSURE OF FUNERAL ARRANGE-
concerning disclosure of funer-))	MENTS; 8.30.605 DISCLOSURE
al arrangements; 8.30.605 con-))	STATEMENT; proposed repeal
cerning the disclosure state-))	of 8.30.410 SUSPENSION AND
ments; proposed repeal of 8.30.))	REVOCATION; and proposed
410 concerning suspension and)	adoption of a NEW SUB-CHAPTER
revocation and proposed adop-))	5, CONTINUING EDUCATION,
tion of a new sub-chapter 5 con-))	rules I through
cerning continuing education)	XII and a NEW SUB-CHAPTER
rules and a new sub-chapter 7)	7, RULES OF PROFESSIONAL
concerning rules of profes-))	CONDUCT, XIII through
sional conduct.)	XVIII

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On August 28, 1982, the Board of Morticians proposes to amend, repeal and adopt the above entitled rules.
2. The proposed amendment of 8.30.406 will read as follows: (new matter underlined, deleted matter interlined)
"8.30.406 EXAMINATION (1) A qualified person may write the examination prior to his eighteenth birthday.
(2) The examination shall consist of the subjects covered by the National Board Examination of the Conference of Funeral Service Examining Boards and in addition, the statutes and rules under Title 37, Chapter 19, MCA and the rules of the Montana state board department of health covering registration of deaths, embalming, transportation, disposition of dead human bodies and funeral directing.
(3) An examinee may present to the board the results of a national board examination taken after July 1, 1963 within the past five years, in partial fulfillment for a mortician's license, provided that he shall also successfully complete the examination covering the rules of the Montana state board department of health, covering registration of deaths, embalming, transportation, disposition of dead human bodies, and funeral directing and the statutes and rules under Title 37, Chapter 19, MCA.
(4) A passing grade of 70% must be obtained as a minimum in each of the subjects required for an examination.
(5) In the event of failure of no more than 2 subjects, the applicant may re-write the subjects failed.
(a) Failure in more than 2 subjects will require re-writing the entire examination.
(b) Such re-writing shall be at the next following examination offered by the board."
3. The board is proposing the amendment to correct references to the board of health and the limit the time period

for acceptance of the national board scores. Currently, the board would have to accept the scores on an examination taken 15 to 19 years ago, which would be very outdated. The authority of the board to make the proposed amendment is based on section 37-19-202, MCA and implements sections 37-19-302, 303, MCA.

4. The proposed amendment of 8.30.407 will read as follows: [new matter underlined, deleted matter interlined]

"8.30.407 RENEWALS FEE SCHEDULE (1) -- The renewal fee

for a mortician's license shall be \$50.00 per year:

(1) Mortician application \$55.00

(2) The renewal fee for a funeral directors license shall be \$25.00 per year:

Original mortuary license \$35.00

(3) The renewal fee for an intern's license shall be \$3.00:

Intern license \$25.00

(4) The annual inspection fee for mortuaries shall be \$25.00 per year:

Mortuary inspection fee \$55.00

(5) Annual Renewals

(a) Funeral Director \$30.00

(b) Mortician \$35.00

(c) Mortuary \$30.00

(d) Late renewal penalty (paid in addition to renewal fee \$20.00

(5) -- Any license renewal not paid by July 1 results in the automatic suspension of the license. -- The license -- may be reinstated by the payment of the unpaid renewal fees plus a penalty of \$25.00 --

(6) Re-examination fee \$35.00"

5. The board is proposing the amendment to set fees commensurate with program costs. The deletion of the current subsection (5) is proposed as the provisions for reinstatement are provided for in section 37-19-306 (2), MCA. The authority of the board to propose the amendment is based on sections 37-19-202 and 37-1-134, MCA and implements sections 37-1-134, 37-19-301, 303, 304, 306 and 403, MCA.

6. The proposed amendment of 8.30.602 will read as follows: [new matter underlined, deleted matter interlined]

"8.30.602 DISCLOSURE OF FUNERAL ARRANGEMENTS (1) At the time of the funeral arrangements are made, authorized-licensed personnel of the mortuary shall identify in writing to the person or persons making such arrangements the range of prices available for the funeral and other services and for major items of merchandise and, as near as possible, identify the related expenses of others, such as cemetery and florists.

(2) Statements of legal requirements shall be complete, and factual, and in writing as to the conditions under which embalming is required and as to the necessity, if

any, for an interment receptacle. Representations as to the use of a casket or other receptacle in connection with a funeral, or an alternate thereto, or for final disposition shall be truthful and shall disclose all legal requirements, if any."

7. The board is proposing the amendment to leave no doubt that funeral arrangements must be completed by licensed personnel of the mortuary. Instances are occurring where unlicensed persons are engaged in the work which falls under section 37-19-101 (4), MCA which defines funeral directing. The board is also proposing the addition of the words "in writing" to comply with section 37-19-315, MCA. The authority of the board to make the proposed change is based on sections 37-19-202, 315, and 403, MCA and implements sections 37-19-315 and 403, MCA.

8. The proposed amendment of 8.30.605 will read as follows: (new matter underlined, deleted matter interlined)

"8.30.605 DISCLOSURE STATEMENT (1) When the person or persons making the funeral arrangements decide on the type of service desired, the mortuary shall provide for, or cause to be provided to the person or persons making the arrangements, at the time such arrangements are completed and prior to the time of rendering a service or providing the merchandise, a written statement showing to the extent then known:

(a) the price of the services that the person or persons selection ~~or~~ and what is included therein;

(b) the price of each of these supplemental items of service and merchandise requested;

(c) the amount involved for each of the items for which the mortuary will advance monies as an accommodation to the family; (no items which have a discount rebate or reduction to the mortuary or the mortician may be listed as a cash advance.)

(d) total funeral expense;

(e) ~~(d)~~ the method of payment;

(f) ~~(e)~~ the disclosure form shall include a statement that all prices have been disclosed in writing;

(g) ~~(f)~~ the disclosure form shall include a statement that all applicable statutes and/or rules, or the absence thereof, have been disclosed; and

(h) the disclosure form shall include a statement which outlines the conditions under which embalming is required; and

(i) ~~(g)~~ no additional charges shall be made without approval of the person or persons making arrangements. This statement will, in addition, be signed by the mortician and the person or persons making such arrangements and will indicate that the items required by rules 8.30.601 through 8.30.605 have been satisfied.

A copy of said statement is to be retained by the mortuary for a period of 1 year from the date of signing."

9. The board is proposing the change to guarantee that the funeral homes have outlined in writing to the consumer when embalming is required. The authority of the board to make the proposed change is based on sections 37-19-202 and 315, MCA and implements sections 37-19-315 and 403, MCA.

10. The proposed repeal of 8.30.410 repeals the rule in its entirety. The rule is located at pages 8-929 and 8-930. Portions of the rule are covered by statute and the remainder will be placed within the rules of professional conduct. The authority of the board to make the proposed change is based on section 37-19-202, MCA and implemented section 37-19-311, MCA.

11. The proposed adoption of a new sub-chapter 5, continuing education rules will read as follows:

RULE I DEFINITIONS (1) For the purpose of these rules, the following definitions shall apply:

(a) 'Continuing education' is defined as an academic course, workshop, or seminar developed for the purpose of increasing or sustaining the proficiency of the licensee to better serve the public.

(b) 'Licensee' means any person licensed to practice as a mortician or as a funeral director in the state of Montana.

(c) 'Approved program or activity' means a continuing education program meeting the standards set forth in these rules, which program has received advance approval by the board pursuant to these rules.

(d) 'Accredited sponsor' means a person or organization sponsoring continuing education activities which has been approved by the board as a sponsor pursuant to these rules.

(e) 'The continuing education compliance period' shall comprise the twenty-four month period immediately prior to the licensee's renewal date." (authority: Sec. 37-19-316, MCA; implement: Sec. 37-19-316, MCA)

RULE II CONTINUING EDUCATION REQUIREMENTS (1) Beginning June 30, 1983, each licensee in this state shall submit with his or her renewal application, satisfactory proof of completion of a minimum of 6 clock-hours of continuing education courses approved by the board per year or 12 clock-hours of continuing education courses for a 2 year period. Credit may be given for board approved continuing education programs completed between January 1, 1982 and the effective date of these rules.

(a) Compliance with the requirement of continuing education is a prerequisite for license renewal.

(b) For those morticians newly licensed in January or February of a given year, the fulfillment of the continuing education requirements will not be required for

an 18 month period from the date of licensure.

(c) For those morticians newly licensed in July of a given year, the fulfillment of the continuing education requirements will not be required for a 12 month period from the date of licensure.

(2) Hours of continuing education credit may be obtained by attending and participating in continuing education courses, workshops, or seminars either previously accredited by the board or otherwise meeting the requirements herein and approved by the board.

(3) During the time an organization, education institution, or person is an accredited sponsor, all continuing education programs of such organization or person must have board approval.

(4) A licensee desiring to obtain credit for completing more than 12 hours of approved continuing education credits during any 2 licensure years shall report such carry-over credit to the board on or before the expiration of his or her current licensure year. Such carry-over credit shall be limited to no more than 6 clock-hours.

(5) It is the responsibility of each licensee to finance his or her costs of continuing education." (authority: Sec. 37-19-316, MCA; implement: Sec. 37-19-316, MCA)

RULE III STANDARDS FOR APPROVAL (1) A continuing education course, workshop, or seminar shall be qualified for approval if the board determines that:

(a) it constitutes an organized program of learning which contributes directly to the professional competency of the licensee in serving the public; and

(b) it relates to the practice of mortuary science;

(c) it is conducted by individuals considered experts in the subject matter of the program by reason of education, training or experience; and

(d) it is accompanied by a paper, manual, or written outline which substantially pertains to the subject matter of the program.

(2) Except as may be allowed by the board, no licensee shall receive credit exceeding 3 credit-hours of the annual total required hours, for correspondence work, satisfactory completion of such correspondence work shall be certified by the agency providing the education.

(3) No licensee shall receive credit exceeding 3 credit-hours of the annual total required hours for business management courses that do not directly relate to the consumer of mortuary services.

(4) No licensee shall receive credit exceeding 3 credit-hours of the annual total required hours for instructing classes or conducting seminars in mortuary related fields.

(5) Credit will be granted on an individual basis upon approval by the board." (authority: Sec. 37-19-316, MCA;

implement: Sec. 37-19-316, MCA)

RULE IV ACCREDITATION OF SPONSORS (1) The board may require of an organization or person not previously accredited by the board, which desires accreditation as a sponsor or courses, program, or other continuing education activities, its education history for the preceding 2 years, including approximate dates, subjects offered, total hours of instruction presented, and the names and qualifications of instructors. By January 1 of each year, commencing January 1, 1983, accredited sponsors may be required to report to the board in writing the education programs conducted during the preceding calendar year, on a form approved by the board. The board may at any time re-evaluate an accredited sponsor. If after such re-evaluation, the board finds there is a basis for consideration of revocation of the accreditation of a sponsor, the board shall give notice in writing to that sponsor of the hearing on the revocation of accreditation at least 30 days prior to such hearing." (authority: Sec. 37-19-316, MCA; implement: Sec. 37-19-316, MCA)

RULE V PRIOR APPROVAL OF ACTIVITIES (1) An organization or person other than an accredited sponsor, which desires prior accreditation of a continuing education program of any nature, shall apply to the board prior to its semi-annual meeting on a form provided by the board. The applicant shall be notified in writing of the board's decision within 15 days after the board's decision. The application shall state the dates, subjects offered, total hours instruction, names and qualifications of speakers and other pertinent information." (authority: Sec. 37-19-316, MCA; implement: Sec. 37-19-316, MCA)

RULE VI POST APPROVAL OF ACTIVITIES (1) An organization or a licensee seeking credit for attendance and participation in an educational program which was not conducted by an accredited sponsor nor otherwise approved shall submit to the board, within 30 days after completion of such activity, its dates, subjects, instructors and their qualifications, and the number of credit hours requested therefor. Within 90 days after receipt of such application, the board shall advise the licensee in writing by mail whether the activity is approved and the number of credit hours allowed. A licensee may be denied credit for the activity if he or she fails to comply with the requirements of this paragraph." (authority: Sec. 37-19-316, MCA; implement: Sec. 37-19-316, MCA)

RULE VII REVIEW OF PROGRAMS (1) The board may monitor or review any continuing education course, workshop, or seminar already approved by the board and upon evidence of significant variation in the program presented from the program approved, may disapprove all or any part of

the approved hours granted the program." (authority: Sec. 37-19-316, MCA; implement: Sec. 37-19-316, MCA)

RULE VIII HEARINGS (1) In the event of a denial, in whole or in part, of any application for accreditation or approval of a continuing education course, workshop, or seminar, the applicant or licensee shall have the right to hearing pursuant to section 2-4-102, MCA." (authority: Sec. 37-19-316, MCA; implement: Sec. 37-19-316, MCA)

RULE IX ATTENDANCE RECORD REPORT (1) The accredited sponsor shall make a written report of the Montana licensees in attendance, and send a signed copy of such attendance to the office of the board upon completion of the continuing education course, but in no case later than 30 days following the date of such activity. In the event attendance is falsified, credit shall not be given and possible disciplinary action may be taken against the licensee." (authority: Sec. 37-19-316, MCA; implement: Sec. 37-19-316, MCA)

RULE X DISABILITY OR ILLNESS (1) The board may, in individual cases involving disability or illness, grant waivers of the minimum education requirements or extensions of time within which to fulfill the same or make the required reports. No waiver or extension or time shall be granted unless written application therefor shall be made on forms provided by the board and signed by the licensee and a person licensed to practice the healing arts. Waivers of the minimum educational requirements may be granted by the board for a period of time not to exceed 24 months. In the event that the disability or illness upon which a waiver has been granted continues beyond the period of this waiver, the licensee shall apply for an extension of the waiver." (authority: Sec. 37-19-316, MCA; implement: Sec. 37-19-316, MCA)

RULE XI REINSTATEMENT OF INACTIVE PRACTITIONERS

(1) Inactive practitioners who have been granted a waiver of compliance with these regulations and obtained a certificate of exemption, shall prior to engaging in the practice of mortuary science in the state of Montana satisfy the following requirements for reinstatement:

(a) submit written application for reinstatement to the board upon forms provided by the board, and

(b) furnish in the application form, evidence of one of the following;

(i) full time practice as a mortician or funeral director in another state of the United States or the District of Columbia and completion of continuing education for each year of inactive status in Montana substantially equivalent in the opinion of the board to the continuing education required under these rules,

(ii) completion of a total number of hours of accredited

continuing education computed by multiplying 6 by the number of years a certificate of exemption shall have been in effect for such applicant;

(iii) in addition to option (i) and (ii) above, for those individuals who have been inactive for a period in excess of 5 years, successful completion of the Montana state rule examination will be required." (authority: Sec. 37-19-316, MCA; implement: Sec. 37-19-316, MCA)

RULE XII. PENALTY FOR NON-COMPLIANCE (1) Morticians or funeral directors who have not requested inactive status and/or have not complied with the requirements of 12 hours of continuing education within a 2 year period shall be subject to suspension or revocation of license after hearing." (authority: Sec. 37-19-316, MCA; implement: Sec. 37-19-316, MCA)

12. The board is proposing the adoption of the continuing education rules to implement section 37-19-316, MCA. The board feels the rules are necessary to guarantee the continued competency of its licensees. The authority of the board to make the proposed adoption is based on section 37-19-316, MCA and implements the same.

13. The board is proposing to adopt rules of professional conduct as sub-chapter 7. The rules will read as follows:

RULE XIII UNPROFESSIONAL CONDUCT (1) The board may refuse to issue, may refuse to renew, may suspend or may revoke any license for the practice of mortuary science or may place the holder thereof on a term of probation not to exceed 1 year, or issue a letter of reprimand or censure thereto after proper hearing upon finding the holder of such licenses to be guilty of acts of commission or omission including, but not limited to the following items which are included as unprofessional conduct:

(a) misrepresentations made or fraud committed as a holder of a license for the practice of funeral service;

(b) false or misleading advertising, advertising or using the name of an unlicensed person in connection with that of any funeral establishment;

(c) solicitation of dead human bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs after death or while death is impending; providing, that this shall not be deemed to prohibit general advertising;

(d) employment by the licensee of persons known as 'cappers', or 'steerers', or 'solicitors', or other such persons to obtain the services of a holder of a license for the practice of funeral service;

(e) employment directly or indirectly of any apprentice, agent, assistant, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead

human bodies may be turned over to a particular funeral establishment;

(f) the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants, or employees for the purpose of securing business; provided however, that compliance with a state pre-need law shall not constitute a violation thereof;

(g) aiding or abetting an unlicensed person to practice within the funeral service profession;

(h) failing to exercise appropriate supervision over interns who are authorized to practice only under the supervision of the licensed mortician;

(i) being unfit to perform because of physical or psychological impairment;

(j) using alcohol or other drugs to the point that there is interference with job performance;

(k) allowing the licensee's license number to be placed on a death certificate, burial transit permit or any other official form of any dead human body as the mortician or embalmer, if the licensee did not prepare the body.

(l) solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum or cemetery;

(m) using any funeral merchandise previously used without informing new consumer or person selection and/or paying for the use of the merchandise that the merchandise has been used;

(n) violation of any of the provisions of Title 37, Chapter 19, MCA and/or Title 8, Chapter 30, Administrative Rules of Montana;

(o) violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, transportation or final disposition of dead human bodies;

(p) fraud or misrepresentation in obtaining or renewing a license;

(q) refusing to properly release a dead human body to the custody of the person or entity who has the legal right to effect such release;

(r) failure to secure permit for removal or burial of dead human body prior to interment or disposal;

(s) knowingly making any false statement on a certificate of death;

(t) violation of applicable statutes of a state having to do with the prearrangement and/or pre-financing of a funeral;

(u) discriminating in services because of race, creed, color or national origin;

(v) knowingly making false statements regarding other

licensed funeral personnel or mortuaries;

(w) permitting non-licensed personnel to make arrangements for a funeral; and

(x) personnel of a funeral establishment whose services are desired shall not recommend auxiliary services or merchandise or deprive the consumer the freedom of choice for such services or merchandise." (Authority: Sec. 37-19-202, MCA and 37-1-136, MCA; Implement: Sec. 37-1-136, MCA and 37-19-311, 404, MCA)

RULE XIV LICENSEE RESPONSIBILITY IN CASE OF CRIME OR VIOLENCE IN CONNECTION WITH CAUSE OF DEATH

(1) No person licensed for the practice of funeral service shall remove or embalm a dead human body when he or she has information indicating crime or violence of any sort in connection with the cause of death, until permission of the coroner or medical examiner or some other duly qualified person acting in such capacity if there is no coroner or medical examiner, has first been obtained. (Authority: Sec. 37-19-202, MCA and 37-1-136, MCA; Implement: Sec. 37-1-136, MCA and 37-19-311, 404, MCA)

RULE XV FREEDOM OF CHOICE RIGHTS OF NEXT OF KIN AND/FAMILY

(1) No public officer or employee, or the official of any public institution, or physician or surgeon, or any other person having a professional relationship with and decedent shall send or cause to be sent to any funeral establishment or to any person licensed for the practice of funeral service the remains of any deceased person without having first made due inquiry as to the desires of the next of kin and of the persons who may be chargeable with the funeral and expenses of such decedent. Any if any such kin be found, his or her authority and directions shall govern except in these instances where the deceased made his or her arrangements.

(2) No company, corporation or association engaged in the business of paying or providing for the payment of the expenses of the funeral, disposition or other similar expenses of the deceased members or of certificate holders therein, or engaged in the business of providing any insurance upon the life of any individual, under which contract of insurance any obligation might or could arise to care for the remains of the insured, shall contract to pay or shall pay any such insurance or such benefits, or any part of either such insurance or benefits, to any funeral establishment or to any licensee or to any individual in any manner which might or could deprive the representative, next of kin, or family of such deceased person from, or in any way control them in procuring such funeral establishment, person licensed for the practice of funeral service or other proper and competent person to perform such necessary and proper services, and to furnish supplies

as may be necessary and proper to care for the remains of such decedent as such representative, next of kin, or family may desire.

(3) No person licensed for the practice of funeral service or anyone acting for him or her shall have any part in any transaction or business which in any way interferes with the freedom of choice of the general public to choose a person licensed for the practice of funeral service or to choose a funeral establishment except where the body or a part thereof is given for anatomical purposes." (Authority: Sec. 37-19-202, MCA and 37-1-136, MCA; Implement: Sec. 37-1-136, MCA and 37-19-311, 404, MCA)

RULE XVI UNLAWFUL PRACTICE (1) It shall be unlawful for any person, partnership, corporation or association who has not been licensed as specified in this act to transact, practice, or hold himself or itself out as transacting or practicing of funeral service, or operating or maintaining a funeral establishment within this state." (Authority: Sec. 37-19-202, MCA and 37-1-136, MCA; Implement: Sec. 37-1-136, MCA and 37-19-311, 404, MCA)

RULE XVII VIOLATION AND COMPLAINT PROCEDURES (1) Whenever the board shall have reason to believe that any person to whom a license has been issued has become unfit to practice as a funeral service licensee or has violated any of the provisions of Title 37, Chapter 19, MCA and/or Title 8, Chapter 30, Administrative Rules of Montana, or whenever written complaint, charging the holder of a license with the violation of any provision of Title 37, Chapter 19, MCA and/or Title 8, Chapter 30, A.R.M., is filed with said board, it shall be the duty of said board to start an investigation within 30 days of the receipt of the complaint, and if from such investigation it shall appear to the board that there is reasonable ground for such belief that the accused may have been guilty of the violations charged, a time and place shall be set by the board for a hearing to determine whether or not the license of the accused shall be suspended or revoked, the licensee placed on probation, or a letter or censure or reprimand issued. Any members of the board shall have the right to administer oaths to witnesses." (Authority: Sec. 37-19-202, MCA and 37-1-136, MCA; Implement: Sec. 37-1-136, MCA and 37-19-311, 404, MCA)

RULE XVIII HEARING PROCEDURES (1) No action to suspend, revoke, reprimand or censure, or place on probation the licensee shall be taken by the board until the accused has been furnished with a statement of the charges against him and by whom he is charged and a notice of the time and place of hearing thereof, the furnishing of such notice and the charges to be given said accused at least 15 days prior to the date of hearing. Said notice shall be mailed

to the accused at his last known place of residence. The accused may be present at such hearing in person or by counsel or both to disprove the charges made against him. The accused has the right to demand the presence of the accuser at any hearing. If upon such hearing the board finds the charges are true, it may revoke, suspend, place on probation or censure or reprimand the licensee."

(Authority: Sec. 37-19-202, MCA and 37-1-136, MCA;
Implement: Sec. 37-1-136, MCA and 37-19-311, 404, MCA)

14. Interested persons may submit their data, views or arguments concerning the proposed amendments, repeal and adoptions in writing to the Board of Morticians, 1424 9th Avenue, Helena, Montana 59620-0407 no later than August 26, 1982.

15. If a person who is directly affected by the proposed amendments, repeal, and adoptions 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 with any written comments he has to the Board of Morticians, 1424 9th Avenue, Helena, Montana 59620-0407 no later than August 26, 1982.

16. If the board receives requests for a public hearing on the proposed amendments, repeal, and adoptions from either 10% or 25, whichever is less, of those persons who are directly affected by the proposed amendments, repeal, and adoption; from the Administrative Code Committee of the legislature; from a governmental agency or subdivision; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

17. The authority and implementing sections are listed after each proposed change.

BOARD OF MORTICIANS
VERNON VIAL, CHAIRMAN

BY: 
GARY BUCHANAN, DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, July 19, 1982.

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF PSYCHOLOGISTS

In the matter of the adoption)	NOTICE OF PROPOSED ADOPTION
of a new rule concerning)	OF A NEW RULE-RULE I
equivalent degrees and a new)	EQUIVALENT DEGREES AND A
rule concerning oral examina-)	NEW RULE II ORAL
tions.	EXAMINATION

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On August 28, 1982, the Board of Psychologists proposes to adopt two new rules concerning equivalent degrees and oral examinations.

2. The proposed new rule regarding equivalent degrees will read as follows:

RULE I EQUIVALENT DEGREES (1) In judging the equivalency of doctorate degrees, the board will consider the following general guidelines:

(a) whether the required graduate level study and doctoral degree is obtained from a regionally accredited institution of higher learning;

(b) whether the program had as its intent the education and training of professional psychologists as stated by the Commissioner of Higher Education or an academic officer at the university granting the degree at level of vice-president or above.

(c) whether 2/3 of the course work was in psychology;

(d) whether the program in psychology stood as a coherent and recognizable entity, offering an organized sequence of study planned to provide appropriate training for the independent practice of psychology;

(e) whether there was an identifiable psychology faculty, with a psychologist responsible for the program;

(f) whether the program had an identifiable body of students, who are matriculated through a well-defined process;

(g) whether the doctoral program included examination and grading procedures designed to evaluate the degree of mastery of the subject matter by the students;

(h) whether the program included a basic body of knowledge to be mastered by all candidates including the following:

(i) biological bases of behavior (e.g. physiological psychology, neuropsychology, sensation and preception)

(ii) cognitive-affective bases of behavior (e.g. learning, thinking motivation, etc.)

(iii) social bases of behavior (e.g. social psychology, group process, organizational and systems theory)

(iv) individual differences (personality theory, human development, abnormal, etc.)

(v) scientific and professional ethics

- (vi) history and systems
- (vii) research design and methodology
- (viii) statistics and psychometrics;
- (i) whether the applicant's stated area of specialty was adequately supported by course work, application of training through direct involvement in such experiences as practicum and/or internship or other experience."

3. The board is proposing the adoption to set out guidelines for judging equivalent degrees. The authority of the board to make the proposed adoption is based on section 37-17-202, MCA and implements section 37-17-302, MCA.

4. The proposed adoption of the rule regarding oral examinations will read as follows:

RULE II. ORAL EXAMINATION (1) Oral examinations for candidates with degrees in clinical, counseling, or professional or other psychology degree designations shall include, but not be limited to questions in the following areas:

- (a) psychopathology
- (b) diagnosis and assessment
- (c) ethics
- (d) Montana mental health law
- (e) psychotherapy.

(2) In addition, candidates will be asked to submit written work samples, preferably psychological evaluations, prior to the written examination.

(3) All candidates for licensure by reciprocity will be required to pass an oral examination.

(4) Any candidate who fails the written examination will be required to retake both the written and oral examinations."

5. The board is proposing the adoption to clarify the content of the oral examination and well as clarify those who are required to take the oral examination. The authority of the board to make the proposed adoption is based on section 37-17-202, MCA and implements section 37-17-303, MCA.

6. Interested persons may submit their data, views and arguments concerning the proposed adoptions in writing to the Board of Psychologists, 1424 9th Avenue, Helena, Montana 59620-0407 no later than August 26, 1982.

7. If a person who is directly affected by the proposed adoptions 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 with any written comments he has to the Board of Psychologists, 1424 9th Avenue, Helena, Montana 59620-0407 no later than August 26, 1982.

8. If the board receives requests for a public hearing on the proposed adoptions from 10% or 25 whichever is less, of those person who are directly affected by the proposed adoption; from the Administrative Code Committee of the legislature; from a governmental agency or subdivision; or from an association having not less than 25 members who will be directly

affected, a public hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

9. The authority and implementing sections are listed after each proposed change.

BOARD OF PSYCHOLOGISTS
J. BAILEY MOLINEUX, Ph.D.
CHAIRMAN

BY: 

GARY BUCHANAN, DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, July 19, 1982.

BEFORE THE OFFICE OF PUBLIC INSTRUCTION
OF THE STATE OF MONTANA

IN THE MATTER OF the Proposed)	NOTICE OF PUBLIC HEARING ON
Adoption of Uniform Rules of)	PROPOSED ADOPTION OF UNIFORM
Procedure For All School Con-)	RULES OF PROCEDURE FOR ALL
troversy Contested Cases Be-)	SCHOOL CONTROVERSY CONTESTED
fore The County Superinten-)	CASES BEFORE THE COUNTY
dents of the State of Montana)	SUPERINTENDENTS OF THE STATE
)	OF MONTANA

TO: All Interested Persons:

1. On August 20, 1982 at 1:30 p.m., a public hearing will be held in the Regents' Conference Room at 33 South Last Chance Gulch, Helena, Montana, to consider the adoption of new rules on Uniform Rules of Procedure For All School Controversy Contested Cases Before the County Superintendents of the State of Montana, and Uniform Rules of Administrative Appellate Procedure on Contested Cases Before the State Superintendent of Public Instruction.

2. The rules proposed for adoption provide as follows:

RULE I: SCOPE OF RULES (1) These rules govern the procedure for conducting all hearings on school controversy cases appealed to the county superintendent and the county transportation committee. These rules shall be construed to secure the just, speedy and inexpensive determination of every action.

(a) County Transportation Committee: All matters contested before the county transportation committee shall be governed by these rules of controversy. It shall be the duty of the county superintendent, as chairperson of the county transportation committee to insure compliance. All references made to the county superintendent as to the procedure on these school rules shall also include the county transportation committee where appropriate.

(b) Special Education: Due process matters concerning and arising from all handicapped children in this state shall be governed by these rules.

(c) Vocational Education: All references made to appropriate federal or state statutes or state plans for school controversies arising from postsecondary vocational-technical centers, or postsecondary vocational-technical education and secondary vocational courses and programs which are a part or portion of secondary school offerings, shall be governed by these rules.

(d) Family and Education Privacy Act. Due process hearings mandated by the Family and Education Privacy Act will be governed by these rules.

(e) All controversies arising under any other provision of Montana law or federal law for which a procedure for resolving controversies is not expressly prescribed shall be governed by these rules. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE II: SCHOOL CONTROVERSY MEANS CONTESTED CASE (1) Contested case means any proceeding in which a determination of legal rights, duties or privileges of a party is required by law. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE III: INITIATING SCHOOL CONTROVERSY PROCEDURE PROCESS

(1) A person who has exhausted all remedies available within a school district and who has been aggrieved by a final decision of the governing authority in a contested case is entitled to commence such action before the county superintendent.

(2) A school controversy contested case shall be commenced by filing a notice of appeal with the county superintendent within 30 days after the final decision of the governing authority of the school district is made. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE IV: JURISDICTION (1) The county superintendent shall upon receipt of the Notice of Appeal, determine:

- (a) whether the appeal is a contested case;
- (b) whether he/she has jurisdiction on the matter.

(2) The county superintendent may determine that he/she does not have jurisdiction or the power to act and therefore render such determination and return such notice and order to the appealing party. The county superintendent, upon determination of proper jurisdiction and proper contested case, shall hear the appeal and take testimony in order to determine the facts related to the contested case. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE V: COMMENCEMENT OF ACTION/REQUIREMENTS OF THE NOTICE OF APPEAL (1) The appealing party shall be known as Petitioner, and the responding party shall be known as Respondent.

(2) When a party appeals to the county superintendent, a notice of appeal shall include:

- (a) a caption setting forth the name and the county of the county superintendent;
- (b) the names and addresses of all appropriate parties;
- (c) a clear and concise statement of the matters asserted;
- (d) a statement indicating that the Petitioner has a contested case and that the county superintendent has proper jurisdiction;
- (e) references to the particular sections of the statute and rules involved;
- (f) that the notice of appeal shall be signed by Petitioner. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE VI: NOTICE OF HEARING (1) All parties to a hearing shall be given a notice of hearing by the county superintendent. The county superintendent shall, within 10 days upon the receipt of the notice of appeal, issue the notice of hearing. The notice of hearing shall include:

- (a) a statement of the time, place and nature of the hearing;
- (b) references to the specific statutes and rules involved available at that time;
- (c) a provision advising the parties of their right to be represented by counsel at the hearing;
- (d) a statement of the issues and matters to be discussed at the hearing;

(e) a copy attached of the original notice of appeal to the county superintendent.

(2) The notice of hearing shall be sent by certified mail to all parties indicated in the original notice of appeal.

(3) If the county superintendent does not have details of the issues and matters to be discussed at the time of issuing the notice of hearing, the party or county superintendent may later demand a more detailed account of the issues and matters to be discussed.

If the school controversy involves a pupil as defined by Montana School Law the notice of hearing as well as all communications conducted in the hearing shall be written in language understandable to the general public and in the native language of the parent unless it is clearly not feasible to do so. If the native language or other mode of communication is not written language, the county superintendent shall direct the notice to be translated orally or by other means to the parent in his/her native language or other means of communication.

(4) Special Education - Access to legal assistance. The county superintendent shall inform the parent of any free or low-cost legal and other relevant services available in the area upon conferring with the Executive Director of the Montana Bar Association. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE VII: CONFERENCE AND INFORMAL DISPOSITION (1) The county superintendent may informally confer with the parties to an appeal for the purpose of attempting informal disposition of any contested case.

(2) This conference of informal disposition may occur at any time prior to the issuing of the final findings of fact, conclusions of law and order of the county superintendent. The parties may informally confer to resolve the school controversy contested case by stipulation, agreed settlement, consent order, or default. To be effective, any agreement made at such conference must be reduced to writing and signed by all parties. An agreed resolution shall end the proceedings and bar further proceedings.

(3) If it is appropriate, the county superintendent may draft findings of fact, conclusions of law and order and shall promptly send such to each party in the contested case. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE VIII: COUNTY SUPERINTENDENT'S PREHEARING PROCEDURE - FORMULATING ISSUES (1) In any action, the county superintendent may, at his/her discretion, direct the parties to appeal before him/her for a conference to consider:

- (a) the simplification of the issues;
- (b) the necessity or desirability of amendments to the pleading;
- (c) the possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;
- (d) a limitation of the number of expert witnesses;
- (e) such other matters as may aid in the disposition of the action.

(2) The county superintendent may make an order which recites the action taken at the conference, the amendments to the notice of appeal and the agreements made by the parties as to

any of the matters considered, and which limits the issues for the hearing to those not disposed of by admissions or agreements of counsel. Such order when entered, will control the subsequent course of action, unless modified at the hearing to prevent manifest injustice. The county superintendent, in his/her discretion, may establish by rule a prehearing calendar on which actions may be placed for consideration as provided above.

(3) Individual Privacy: County superintendent shall provide for provision to insure the privacy of matters before them as is required by law. Parents maintain the right to waive their right of confidentiality and privacy in the hearing and may request that the hearing be open to the public. The county superintendent shall also provide or allow an opportunity for the minor to be present at the hearing upon request of the parent or guardian or non-minor pupil. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE IX: DISCOVERY (1) The county superintendent may compel, limit or conduct discovery prior to the hearing and/or prehearing conference pursuant to rules 10 through 13. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE X: DISCOVERY METHODS (1) Parties may obtain discovery by one or more of the following methods:

(a) depositions upon oral examination or written questions;

(b) written questions;

(c) production of documents (or things or permission) to enter upon land or property;

(d) request for admissions.

(2) Any evidence to be introduced at the hearing or on file shall be made available disclosure to all parties at least five days before the hearing. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XI: SCOPE OF DISCOVERY (1) Unless otherwise limited by order of the county superintendent, the scope of discovery is as follows:

(a) in general, parties may obtain discovery regarding any matter not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party, including the existence, description, nature, custody, condition and location of any books, documents or other tangible items and the identity and location of persons having knowledge of any discoverable material;

(b) a party may discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for hearing. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XII: LIMITATIONS ON DISCOVERY BY THE COUNTY SUPERINTENDENT (1) Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the county superintendent before whom the action is pending may make any order which justice required to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

MAR Notice No. 10-2-44

14-7/29/82

- (a) that the discovery not be had;
- (b) that the discovery may be had only on specified terms and conditions, including a designation of the time or place;
- (c) that the discovery may be had only by a method of discovery other than that selected by the parties seeking discovery;
- (d) that certain matters should not be inquired into, or that the scope of the discovery be limited to certain matters;
- (e) that discovery be conducted with no one present except persons designated by the county superintendent. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XIII: SEQUENCE AND TIMING OF DISCOVERY (1) The county superintendent shall provide reasonable discovery on the relevant issues for the hearing and shall establish a calendar so as not to allow discovery delay a hearing. A request for discovery must be made within 30 days of filing the notice of appeal. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XIV: EX-PARTE CONSULTATIONS (1) The county superintendent, after the issuance of the notice of hearing, shall not communicate with any party in connection with any issue of fact or law in such case except upon notice and opportunity for all parties to participate. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XV: POWERS OF THE COUNTY SUPERINTENDENT (1) The county superintendent may:

- (a) administer oaths;
- (b) issue subpoenas;
- (c) provide for the taking of testimony by depositions;
- (d) set the time and place of the hearing and direct parties to appear and confer to consider simplifications of the issues by consent of the parties involved;
- (e) fix the time for filing of briefs or other documents;
- (f) request the submission of proposed findings of facts and conclusions of law at the conclusion of the hearing.

(2) The county superintendent shall be bound by common law and the Montana Rules of Evidence. All evidence and objections to evidence shall be noted in the record:

(a) any part of the evidence may be received in written form;

(b) documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the county superintendent's specialized knowledge. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XVI: HEARING (1) The hearing will be conducted before the county superintendent in the following order:

- (a) statement and evidence of the Petitioner or other party in support of its action;
- (b) statement and evidence of the Respondent in support of its action;

(c) rebuttal testimony;
(d) closing arguments beginning with Petitioner ending with Respondent.

(2) The order of procedure may be changed by order of the county superintendent upon a showing of good cause.

(3) Each party shall have the right to conduct cross-examinations for a full and true disclosure of the facts, including the right to cross-examine the authority of any document prepared by or on behalf of or for the use of all parties and offered into evidence. All testimony shall be given under oath or affirmation. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XVII: ABILITY OF CROSS-EXAMINATION OR PARTICIPATION IN THE HEARING. (1) The right to examine, cross-examine or to participate as a party in this action shall be limited to the attorneys, the particular parties named in the notice of appeal and the county superintendent. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XVIII: RECORD (1) The record in the hearing shall include:

(a) all pleadings, motions, intermediate ruling;
(b) all evidence received plus a stenographic record of oral proceeding;
(c) a statement of matters officially noticed;
(d) questions and offers of proof, objections and proceedings thereon;
(e) proposed findings and exceptions;
(f) findings of fact, conclusions of law and order by the county superintendent.

(2) A transcript of the hearing shall be taken by a certified court reporter and transcribed upon request of the county superintendent. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XIX: FINAL ORDER (1) The final order by the county superintendent shall be in writing and shall include findings of fact and conclusions of law separately stated. Findings of fact, as set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(a) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(b) Each conclusion of law shall be supported by authority or by a reasoned opinion.

(c) Final order shall inform the parties of their right to appeal the order to the State Superintendent of Public Instruction by attaching a copy of the Uniform Rules of Administrative Appellate Procedure for the State Superintendent of Public Instruction with the final order.

(2) Special education: The county superintendent shall insure that not later than 45 days after the receipt of a notice of appeal the final decision is reached in the hearing and a copy of the decision is mailed to each party for all cases regarding education for the handicapped. Parties to the school controversy case may waive this time limitation upon request of the county superintendent or upon request of the other party.

(3) The county superintendent shall insure for all cases other than cases regarding education of the handicapped that not later than 90 days after the receipt of the notice of appeal a final order is reached and a copy of the findings of fact, conclusions of law and order is mailed to each party. The time limitation provided here may be waived upon request of the county superintendent or a party of the school controversy contested case, upon stipulation of all parties.

(4) County Transportation Committee: In the case of an appeal to the county transportation committee, the committee shall meet and vote in open session whether to grant or deny the appeal or request for consideration. The members of the majority shall appoint one member to prepare findings of fact, conclusions of law and order which shall then be adopted at an open meeting of the transportation committee and signed by all members of the majority. Any member of the minority may put the reasons for his/her vote in writing, and this shall be made part of the record. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XX: COUNTY ATTORNEY RULE (1) The county attorney shall serve as the legal advisor for the county superintendent of schools in all school controversy contested cases. In the event the county attorney is unable to serve in that capacity, the county superintendent shall designate another qualified attorney to serve as a legal advisor for the county superintendent. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

UNIFORM RULES OF ADMINISTRATIVE APPELLATE PROCEDURE ON CONTESTED CASES BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

RULE XXI: APPELLATE PROCEDURE - SCOPE OF RULES (1) The superintendent of public instruction shall decide matters of controversy when they are appealed from a decision of a county superintendent.

(2) All references made to the county superintendent as to the procedure on these rules shall also include the county transportation committee where appropriate.

(3) All references made in these rules shall maintain consistency with the Uniform Rules of Procedure for all School Controversy Contested Cases before the county superintendent of the state of Montana.

(4) A party who is aggrieved by a final decision in a contested case before the county superintendent is entitled to appellate review by administrative appeal to the state superintendent. The superintendent of public instruction shall make his/her decision on the basis of the record established at the county superintendent hearing and upon review of the findings of fact, conclusions of law, and order of the county superintendent. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XXII: APPELLATE PROCEDURE - NOTICE OF APPEAL - FILING (1) An appeal shall be taken by filing a notice of appeal with the state superintendent of public instruction and a copy of such notice of appeal with the county superintendent. Failure of any party to take any step other than the timely filing of a notice of appeal does not affect the validity of

the appeal but is grounds for such action as the state superintendent deems appropriate, which may include dismissal of the appeal. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XXIII: APPELLATE PROCEDURE - CONTENTS OF THE NOTICE OF APPEAL (1) The appealing party shall be known as Appellant, and the responding party shall be known as Respondent. When a party appeals to the state superintendent of public instruction, a notice of appeal shall include:

(a) a caption setting forth the name of the state superintendent of public instruction;

(b) the name and addresses of all appropriate parties;

(c) a clear and concise statement of the matters asserted on appeal;

(d) a statement indicating that appellant has a contested case, identifying the county superintendent from which the appeal is taken and whether the state superintendent has proper jurisdiction;

(e) references to the particular sections of the statutes and rules involved;

(f) the signature of the Petitioner and/or his/her attorney;

(g) a copy of the findings of facts, conclusions of law, and order of the county superintendent. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XXIV: APPELLATE PROCEDURE - TRANSMISSION OF RECORD

(1) Upon receipt of the notice of appeal to the state superintendent of public instruction, the county superintendent shall transmit the record from his/her Order. The record shall contain all items identified in Rule 18 of the Uniform Rules of School Controversy including a transcribed transcript of the proceedings. Such records shall be transmitted to the state superintendent within 30 days upon receipt of the notice of appeal to the state superintendent unless otherwise ordered by the state superintendent. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XXV: APPELLATE PROCEDURE - STANDARD OF REVIEW

(1) The state superintendent of public instruction may use the standard of review as set forth below and shall be confined to the record unless otherwise decided.

(2) In cases of alleged irregularities in procedure before the county superintendent not shown on the record, proof thereof may be taken by the state superintendent.

(3) Upon request, the state superintendent shall hear oral arguments and receive written briefs.

(4) The state superintendent may not substitute his judgment for that of the county superintendent as to the weight of the evidence on questions of fact. The state superintendent may affirm the decision of the county superintendent or remand the case for further proceedings or refuse to accept the appeal on the grounds that the state superintendent fails to retain proper jurisdiction on the matter. The state superintendent may reverse or modify the decision if substantial rights of the Appellant have been prejudiced because the findings of fact, conclusions of law and order are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record;
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion;
- (g) because findings of fact upon issues essential to the decision were not made although requested. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XXVI: APPELLATE PROCEDURE - COMMENCEMENT OF ACTION

(1) The superintendent of public instruction may require: affidavits, verified statements, sworn testimony on the facts and issues, written briefs and oral arguments. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XXVII: APPELLATE PROCEDURE - TIME

(1) Appellant shall appeal from the Order of the county superintendent of schools to the state superintendent of public instruction within 30 days after the rendering of such Order unless the time is shortened or extended by an Order entered by the state superintendent upon good cause showing.

(2) The decision of the superintendent of public instruction shall be rendered within 90 days after the case has been deemed submitted by the state superintendent. Parties shall be notified by the state superintendent of cases requiring additional time who shall by affidavit attest to the additional time required.

(3) Special Education. The state superintendent shall insure that, no later than 30 days after the receipt of a request for a review, a final decision and order is reached in the review and a copy of the decision and order is mailed to each of the parties. The state superintendent may grant specific extensions of time beyond the period set out beyond 30 days upon the request of either party and/or the state superintendent upon the stipulation of both parties. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XXVIII: APPELLATE PROCEDURE - DECISION

(1) The decision and order of the superintendent of public instruction shall be final, subject to the proper legal remedies in the state/federal courts. Such proceedings shall be commenced no later than 60 days after the date of the decision and order of the state superintendent of public instruction. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

RULE XXIX: APPELLATE PROCEDURE - FAILURE TO COMPLY WITH THESE RULES

(1) Every party to a controversy shall comply with these rules of procedure. Failure of one party to do what is required and which substantially prejudices the proceedings is cause for dismissal or reversal as appropriate. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).

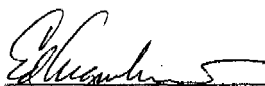
RULE XXX: APPELLATE PROCEDURE

(1) The state superintendent may upon agreement of all parties conduct oral argument by means of telecommunication or teleconferencing methods.

3. The superintendent is proposing this rule to consolidate, refine, clarify and unify mandated rules of school controversy for the benefit of pupils, parents, school districts and the judiciary.

4. Interested persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Legal Services, Office of Public Instruction, State Capitol, Helena, Montana 59620 no later than August 30, 1982.

5. Richard Bartos has been designated to preside over and conduct the hearing. AUTH: 20-3-107(3) MCA; IMP: 20-3-107(3).



Ed Argenbright, Superintendent
Office of Public Instruction

Certified to the Secretary of State, July 19, 1982.

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

In the matter of the adoption	)	NOTICE OF PUBLIC HEARING
of rule I through	)	FOR ADOPTION OF RULES
rule V relating to non-)	
degradation procedures for)	
high quality waters	)	(Water Quality)

To: All Interested Persons

1. On September 10, 1982 at 9:00 a.m., a public hearing will be held in Room C209 of the Cogswell Building, 1400 Broadway, Helena, Montana, to consider the adoption of rules which will implement the nondegradation policy of the Montana Water Quality Act, by establishing procedures for petitioning to the Board of Health and Environmental Sciences for permission to degrade high quality surface waters.

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

3. The proposed rules provide as follows:

RULE I DEFINITIONS In this sub-chapter, the following terms have the meanings indicated below and are supplemental to the definitions set forth in section 75-5-103, MCA:

(1) (a) Except as provided in paragraph (b) of this subsection, "degradation" means that as a result of the activities of man:

(i) the level of coliform bacteria, dissolved oxygen, toxic and deleterious substances or radionuclides in surface water where quality is higher than the established water quality standards has become worse, or

(ii) an applicable water quality standard for hydrogen ion concentration (pH), turbidity, temperature, color, suspended solids or oils has been violated in surface water where quality is higher than the established water quality standards.

(b) (i) Changes in surface water quality resulting from nonpoint source pollutants from lands where all reasonable land, soil and water conservation practices have been applied are not considered degradation.

(ii) Changes in surface water quality resulting from short-term construction or rehabilitation activities performed in accordance with ARM 16.20.633(3) are not considered degradation.

(2) "Montana pollutant discharge elimination system (MPDES)" means the system developed by the state of Montana for issuing permits for the discharge of pollutants from point sources into state waters, pursuant to ARM Title 16, Chapter 20, sub-chapter 9.

(3) "National resource waters" means all surface waters in national parks, wilderness or primitive areas.

(4) "New or enlarged point source" means a point source on which construction or major modification commenced or from which discharges increased on or after [the effective date of this rule]. It does not include sources from which discharges have increased if the increase does not exceed the limits established in an existing MPDES permit for that source which was issued prior to [the effective date of this rule].

(5) "Nonpoint source" means a diffuse source of pollutants resulting from the activities of man over a relatively large area, the effects of which normally must be addressed or controlled by a management practice rather than by an engineered containment or structure.

(6) "Surface waters" means any water on the earth's surface including, but not limited to, streams, lakes, ponds, and reservoirs and irrigation drainage systems discharging directly into a stream, lake, pond, reservoir or other water on the earth's surface. Water bodies used solely for treating, transporting or impounding pollutants are not considered surface water for the purposes of this sub-chapter.

AUTHORITY: Sec. 75-5-201, 75-5-401, MCA
IMPLEMENTING: Sec. 75-5-303, 75-5-401, MCA

RULE II APPLICABILITY AND LIMITATION OF SURFACE WATER NONDEGRADATION -- GENERAL (1) The requirements of this sub-chapter apply to any activity of man which would cause a new or increased source of pollution to surface waters.

(2) If the board determines, based on economic or social development, that degradation may be allowed, in no event may degradation of surface waters interfere with or become harmful, detrimental or injurious to public health, recreation, safety, welfare, livestock, wild birds, fish and other wildlife or other beneficial uses.

(3) Degradation of national resource waters is prohibited.

AUTHORITY: Sec. 75-5-201, 75-5-401, MCA
IMPLEMENTING: Sec. 75-5-303, MCA

RULE III PERMIT CONDITIONS TO ENSURE NONDEGRADATION

(1) In issuing an MPDES permit to a new or enlarged point source, the department shall include conditions in the permit to ensure that the quality of receiving waters whose quality is higher than established water quality standards will not be degraded by the discharge of pollutants from the source.

(2) Conditions which may be imposed on an MPDES permit to ensure nondegradation of water quality include, but are not limited to:

(a) monitoring of water quality, both upstream and downstream of the point of discharge, with sufficient frequency to determine whether the quality of the receiving

waters is being affected by the discharge;

(b) provisions for varying discharge levels, including periods of zero discharge if necessary, to assure maintenance of water quality. Variations in permitted discharge levels will be established to accommodate as closely as practicable the natural variations and fluctuations in the stream's flow and quality. Discharge levels may be established seasonally, adjusted continuously (based on a continuous monitoring program), or established in such other manner as the department deems most appropriate.

(3) In determining the appropriate frequency of monitoring and the appropriate adjustment in effluent discharge levels, the department shall consider the quality and beneficial uses of the receiving waters, the natural variations and fluctuations in the stream's flow and quality, the presence of other point sources, and such other factors as the department deems relevant to the maintenance of water quality.

(4) Whenever an application for an MPDES permit is made for a new or enlarged point source which will be located downstream from a pre-existing point source for which an MPDES permit was issued prior to [the effective date of this rule], the baseline for determining the existing quality of the receiving waters with respect to those parameters listed in

RULE 1 (1)(a)(i) will be that level of the parameters which would be present if the existing upstream source were discharging at the maximum levels established in its permit.

(5) With respect to those parameters listed in ARM RULE 1 (1)(a)(ii), the naturally occurring baseline quality of receiving waters will be that level of water quality which would be present from natural and non-point sources and from point sources for which MPDES permits were issued prior to [the effective date of this rule], in the absence of all new and enlarged point sources upstream from the receiving waters.

(6) The department shall impose conditions in MPDES permits sufficient to ensure that the baseline quality of receiving waters, as defined in subsections (4) and (5) of this rule, will not be degraded at any flow greater than the 7-day 10-year low flow for such waters. In those cases where the 7-day 10-year low flow is not known or cannot be calculated, the department shall determine an acceptable stream flow for disposal system design.

(7) Whenever after an MPDES permit has been issued continued monitoring reveals new or more accurate information about the natural quality and fluctuations of the receiving waters, and if such new information would justify the amendment of monitoring or discharge limitation provisions in the permit, the department may approve such a modification. If such a modification would relax the permit conditions, the department shall follow the notice and hearing procedures set forth in ARM 16.20.905(4) - (10).

(a) The board hereby adopts and incorporates by reference ARM 16.20.905(4) - (10) which set forth procedures for public notice and public hearings on MPDES permit applications. Copies of ARM 16.20.905(4) - (10) may be obtained from the Water Quality Bureau, Department of Health and Environmental Sciences, Cogswell Building, Capitol Station, Helena, Montana, 59620.

AUTHORITY: Sec. 75-5-401, MCA

IMPLEMENTING: Sec. 75-5-303, 75-5-401, MCA

RULE IV PROCEDURE FOR PETITIONING FOR AMENDMENTS

(1) If any condition which has been imposed on an MPDES permit requires the permittee to maintain the quality of receiving waters at levels better than the applicable water quality standards, the permittee may petition the board for a permit amendment as provided in this section. Such a petition must be filed within 30 days after the issuance of the MPDES permit. The procedures of this sub-chapter are also available to operators of pollution sources not subject to MPDES permit requirements.

(2) The petition must be filed with the board for its review and a copy concurrently submitted to the Water Quality Bureau of the department. The Water Quality Bureau shall submit copies of the petition to the Departments of Fish, Wildlife and Parks, State Lands, Agriculture, Commerce, and Natural Resources and Conservation, and the Environmental Quality Council.

(3) A completed petition must contain, as a minimum, the following information:

- (a) the proposed effluent limitation(s);
- (b) a statement of reasons for the proposed effluent limitation(s);
- (c) an analysis of the existing quality of the receiving water, including natural variations and fluctuations in the water quality parameter(s) for which an exemption from non-degradation conditions is requested;
- (d) a complete description of the proposed development;
- (e) an analysis of alternatives to the proposed effluent limitation(s) with justifications for not using alternatives that would result in no degradation or less degradation;
- (f) an analysis of the quality of the proposed discharge;
- (g) the distribution of existing flows and their expected frequency;
- (h) an analysis demonstrating the expected stream quality for all alternatives;
- (i) an analysis of the impacts of the proposed water quality changes on the present and future beneficial uses including any calculable monetary or other losses to the users;
- (j) A showing that the change will not result in violations of water quality standards or preclude existing

beneficial uses or diminish anticipated beneficial uses of the receiving waters;

(k) A detailed statement of economic or social need for the proposed development;

(l) A complete description of alternatives to the proposed development which would equally meet the economic or social need of the development but would not require water quality degradation;

(m) An analysis demonstrating why the public would be better off with the development and lower quality water;

(n) a description and analysis of past, present and anticipated development in the area which justifies a change in water quality and use; including existing or anticipated residential, agricultural, industrial, natural resource or other developments; and explaining in each case why such developments are necessary, and why maintenance of existing water quality is no longer of optimum benefit to the public.

(4) After initial review of a petition, the department shall notify the petitioner in writing either that the petition is complete, or if not, what additional information must be submitted for the petition to be deemed complete.

AUTHORITY: Sec. 75-5-401, MCA

IMPLEMENTING: Sec. 75-5-303, 75-5-401, MCA

RULE V DEPARTMENT AND BOARD PROCEDURES FOLLOWING RECEIPT OF COMPLETED PETITION (1) Within 30 days after receipt of a completed petition, the department shall determine whether it will be necessary to prepare an environmental impact statement.

(2) If the decision is made to prepare an EIS, the procedures of ARM 16.2.601 through 16.2.620 will apply. If a public hearing is held on the draft EIS pursuant to ARM 16.2.619, such hearing will be before the department.

(a) The board hereby adopts and incorporates by reference ARM 16.2.601 through 16.2.620 which are administrative rules establishing procedures for implementation of the Montana Environmental Policy Act and the preparation and review of environmental impact statements. Copies of ARM 16.2.601 through 16.2.620 may be obtained from the Water Quality Bureau, Department of Health and Environmental Sciences, Cogswell Building, Capitol Station, Helena, Montana, 59620.

(3) If the tentative decision is made not to prepare an EIS, the department's preliminary environmental review must be circulated to the public for a 30-day public comment period and the department shall submit a report and recommendation to the board.

(4)(a) If an EIS is prepared, the department shall submit its final EIS to the board no later than 180 days after receipt of the completed petition, unless a public hearing on the draft EIS was held, in which case the deadline may be increased to 240 days.

(b) If no EIS is prepared, the department shall submit its report and recommendation to the board no later than 60 days after receipt of the completed petition.

(c) At the request of the department, the board may extend these deadlines whenever the size and complexity of the project or other special circumstances make extended review necessary.

(5)(a) At its next regularly scheduled meeting following the department's submission to the board pursuant to subsection (4), the board shall hold a public hearing on the petition, at which the board may receive oral and documentary evidence from the petitioner and the public. The petitioner will be entitled to present his evidence and submit rebuttal evidence, and the petitioner and the department may conduct such cross-examination as may be required, in the board's judgment, for a full and true disclosure of the facts.

(b) At least 30 days prior to that hearing, the department shall comply with the following:

(i) the "Public Notice Procedures" set forth in ARM 16.20.912; and

(ii) the "Distribution of Information" procedures set forth in ARM 16.20.913.

(c) The board hereby adopts and incorporates by reference ARM 16.20.912, which sets forth procedures for issuing public notices of MPDES permit applications and hearings, and ARM 16.20.913 which sets forth requirements for distribution and copying of public notices and permit applications. Copies of ARM 16.20.912 and 16.20.913 may be obtained from the Water Quality Bureau, Department of Health and Environmental Sciences, Cogswell Building, Capitol Station, Helena, Montana, 59620.

(6) No later than the next regularly scheduled board hearing following the public hearing on the petition, the board shall issue its final decision, accompanied by a statement of reasons stating the basis for the decision and explaining why an exemption from nondegradation is or is not justified.

AUTHORITY: Sec. 75-5-201, 75-5-401, MCA

IMPLEMENTING: Sec. 75-5-303, 75-5-401, MCA

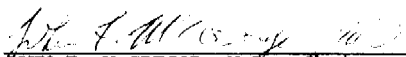
4. The Board is proposing these rules to implement the state's nondegradation policy for high quality waters set forth in 75-5-303, MCA. The rules establish a procedure whereby operators of pollution sources who wish to degrade state waters which are currently at higher quality than the applicable water quality standards may petition the Board and make a showing whether such degradation is justified. The Department has imposed nondegradation requirements in MPDES permits, but no present procedures exist for a petition to the Board for exemption from such requirements.

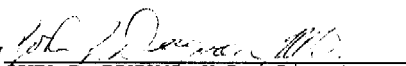
5. Interested persons may present their data, views, or arguments, either orally or in writing, at the hearing.

Written data, views, or arguments may also be submitted to Robert L. Solomon, Cogswell Building, Capitol Station, Helena, MT, no later than September 10, 1982.

6. Robert L. Solomon, Helena, MT, has been designated to preside over and conduct the hearing.

7. The authority of the Board to make the proposed rules and the sections implemented are stated at the end of each rule.


JOHN F. MCGREGOR, M.D., Chairman

By 
JOHN J. DRYNAN, M.D., Director
Department of Health and
Environmental Sciences

Certified to the Secretary of State July 19, 1982

BEFORE THE BOARD OF OIL
AND GAS CONSERVATION

In the matter of the amendment)	NOTICE OF PROPOSED
of Rule 36.22.502 pertaining)	AMENDMENT OF RULE
to plugging and abandonment)	36.22.502 PLUGGING
procedures for seismic shot)	AND ABANDONMENT
holes.)	

NO PUBLIC HEARING
CONTEMPLATED

TO: All Interested Persons

1. On September 9, 1982, the Board of Oil and Gas Conservation (Board) proposes to amend rule 36.22.502 which sets forth procedures for the proper plugging and abandonment of seismic shot holes.

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

36.22.502 PLUGGING AND ABANDONMENT Unless otherwise agreed to between the surface owner and the company, firm, corporation, or individual responsible for the drilling of seismic shot holes, all such holes shall be plugged and abandoned as set forth below:

(1) The seismic company responsible for the plugging and abandonment of seismic shot holes shall notify the Board in writing at its Billings office of its intent to plug and abandon, including the date and time such activities are expected to commence, the location by Section, Township and Range of the holes to be plugged, and the name and telephone number of the person in charge of the plugging operations. A copy of this notice shall be sent to the surface owner at the same time.

(2) All seismic shot holes shall be plugged as soon after being utilized as reasonably practicable; however, in no event shall they remain unplugged for a period of more than ~~120 days after being drilled and shot~~ 30 days unless, upon application, the Board or its staff grants an extension which may not exceed 90 days. All holes shall be temporarily capped during the period between drilling and final plugging.

(3) (a) ~~Except as hereinafter set forth all seismic shot holes shall be plugged by returning to the hole as many of the drill cuttings as practicable and filling the remainder of the hole with bentonite mud having a minimum density that is 4# greater than fresh water (8.67 pounds/gallon). A mechanical bridge plug shall then be set at a depth sufficient to permit placement of a cement plug at least 1 foot in length such that the top of the plug is at least 4 feet below the surface of the ground. The remainder of the hole shall be filled with native surface material.~~ When drilling seismic shot holes, and artesian flow is not encountered at the surface, the shot hole

shall be filled with bentonite-water slurry by hose injection and displacement from the bottom up. The slurry mixture shall have a marsh funnel viscosity of 60 seconds or greater per quart (subject to field verification on site) and shall contain a minimum of 28 pounds of commercial plugging bentonite per 42 gallons of water. Cuttings shall not be added to the slurry mixture except with the approval of a representative of the Board where the hole is drilled with air. The hole shall be filled in all cases to approximately four feet from the ground surface. A commercial plug shall be set on top of the bentonite with a permit number or the name of the contractor or plugging subcontractor either imprinted on the plug or on a plastic or metallic tag securely attached to the plug. The remainder of the hole shall be filled with cuttings and soil, and a small mound no more than three inches high shall be left over the hole to allow for settling.

(3) (b) ~~Seismic holes that penetrate artesian water deposits shall be plugged by displacing the hole with a cement slurry to a level not higher than 4 feet below the surface of the ground level. The cement slurry will be of sufficient density to contain the waters to their native strata. The remainder of the hole shall be filled with native surface material.~~ Seismic holes that penetrate artesian water deposits shall be stabilized with a cement slurry to a level not higher than four feet below the surface of the ground level. The cement slurry shall be of sufficient density to contain the waters to their native strata. The remainder of the hole shall be filled with native surface material. When alkaline or saline waters are encountered, the hole shall be plugged immediately as set forth in (3) (a) except that a heavier slurry mix must be used with the addition of inorganic drying or stabilizing chemicals such as calcium chloride, sodium bicarbonate, or soda ash to assist in the effective plugging and stability of the bentonite column in the hole.

(3) (c) Seismic shot holes that tend to crater or slough at the surface after being shot shall be plugged as set forth in subsections (3) (a) or (3) (b) insofar as those procedures are reasonably possible. However, deviations for those procedures are permissible as circumstances may dictate, provided the procedures are designed to accomplish the primary objective of containing waters penetrated by the hole to their native strata and restoring the surface as near as practicable to its original conditions. The Board and surface owner shall be notified of such deviations.

(4) The surface area around each seismic shot hole shall be restored to its original condition insofar as such restoration is practicable and all stakes, markers, cables, ropes, wires, primacord, cement or mud stacks, and any other debris or material not native to the area shall be removed from the drill site and deposited in a convenient sanitary

landfill or other approved site or disposed of by an approved disposal method. Appropriate seeds shall be planted when required to restore the surface to its original condition.

(5) A seismic shot hole may be left unplugged at the request of the surface owner for conversion to a fresh water well provided the surface owner executes a release furnished by the Board of Oil and Gas Conservation relieving the party otherwise responsible for the plugging and abandonment of the hole from any liability for damages that may thereafter result from the hole remaining unplugged. This release will cite the date, location, surface elevation, depth to aquifer or gas emitting strata, and any action taken. This information shall be furnished by the geophysical operator. AUTHORITY:
82-1-104, MCA; IMP, Sec. 82-1-104, MCA;

3. The Board proposes to amend this rule in the manner requested by a group of landowners, industry representatives and representatives of government agencies. This group presented their proposals to the Board at a public hearing in Billings on June 24, 1982. The Board is initiating these rule making proceedings to strengthen the rules governing seismic exploration in Montana, thereby providing greater protection of fresh water and surface of land.

4. Interested parties may submit their data, views, or arguments concerning the proposed amendments to Dee Rickman, P. O. Box 217, 25 South Ewing, Helena, Montana 59624, no later than August 27, 1982.

5. If a person who is directly affected by the proposed amendments wishes to enter his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit that request along with any written comments he has to Dee Rickman, P. O. Box 217, 25 South Ewing, Helena, Montana 59624, no later than August 27, 1982.

6. If the Board receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons directly affected by the proposed amendments; from the Administrative Code Committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be at least 25 persons based on the Board's determination that there are more than 250 persons whose operations are governed by this rule or persons who are affected by such operations.

7. The authority of the Board to make the proposed amendments is based on Section 82-1-104, MCA, and the rule implements Section 82-1-104, MCA.

-1463-

Richard A. Campbell
Richard A. Campbell, Chairman
Board of Oil and Gas Conservation

Dee Rickman
Dee Rickman
Assistant Administrator
Oil and Gas Conservation Division

Certified to the Secretary of State July 19, 1982.

BEFORE THE DEPARTMENT
OF PUBLIC SERVICE REGULATION
OF THE STATE OF MONTANA

IN THE MATTER of Proposed	)	NOTICE OF PROPOSED ADOPTION
Adoption of the New Rules for	)	OF NEW RULES FOR FILING
filing monthly and annual	)	PIPE LINE COMPANY REPORTS
reports regarding pipe line	)	NO PUBLIC HEARING
companies.	)	CONTEMPLATED

TO: All Interested Persons

1. On August 30, 1982, the Department of Public Service Regulation proposes to adopt new rules regarding the filing of monthly and annual reports for pipe line companies.

2. The proposed rules provide as follows:

Rule 1. MONTHLY REPORT (1) Each pipe line company shall file with the Commission at its office in Helena, Montana, monthly reports to be filed not later than the 25th day of the month, following the calendar month for which the report is rendered, verified under oath by the reporting carrier showing the following information:

(a) The total number of receiving stations established by the reporting carrier for the reception and transportation of crude petroleum through its pipe lines, giving the name or number, if any, by which said stations are designated, the field or district where located, and the county or counties served by such receiving stations.

(b) The total number of delivery stations established by the reporting carrier for the delivery of crude petroleum transported through its pipe lines, giving the name or number, if any, by which said delivery stations are designated, and where located.

(c) The total number of barrels of crude petroleum gathered by each receiving station and run into the pipe lines of the reporting carrier.

(d) The total number of barrels of crude petroleum transported through the pipe lines of the reporting carrier, between points within the state, showing separately the number of barrels transported for its own account and the number of barrels transported for others.

(e) The total number of barrels of crude petroleum delivered by the reporting carrier subsequent to transportation by it, showing to whom delivered and at what station delivered.

(f) The total number of barrels of crude petroleum owned and held by the reporting carrier within the state for its own account.

(g) The total number of barrels of crude petroleum held in storage by the reporting carrier for others.

(h) The total amount of unfilled storage held by the reporting carrier.

(i) A statement as to gross revenue and expenses, each and every item thereof being separately set out, and proper monthly allowances made for depreciation, amortization and taxes.

(j) Estimated amount of loss by oil by fire or leakage from tanks and pipe lines for the preceding month, if any.

(k) Loss due to leakage and evaporation incident to storage and transportation.

(1) The average monthly field price of said oil according to grades.

(2) The information required under Rule I (f), (g) and (h) shall be furnished as of the last day of the calendar month for which the report is rendered. It is expressly provided by law that no publicity shall be given by the Commission as to the stock of crude petroleum on hand of any particular pipe line.

AUTH: Sec. 69-13-301, MCA, IMP: Sec. 69-13-301, MCA Rule II. ANNUAL REPORTS (1) Each pipe line company shall file with the Commission, at its office in Helena, Montana, an annual report for each calendar year. The report shall be filed not later than the 28th day of February next following the year for which the report is made. The report shall show the names of officers, directors and the residence of each; amount of capital stock and bonded indebtedness outstanding; capital investment with additional investments made during the year; assets and liabilities; revenues and expenditures; depreciation; and statistical data as to petroleum delivered and lost during transportation.

(2) The Annual Report shall be made to the Commission on such forms as may be prescribed and furnished by the Commission for that purpose, and shall be verified under oath by the President or Secretary of the pipe line company.

AUTH: Sec. 69-13-301, MCA, IMP: Sec. 69-13-301, MCA 3. The Public Service Commission is proposing to adopt these rules because it is required by statute. When the APA publishing requirements were established, these rules were inadvertently omitted, though they were first promulgated in 1921.

4. Interested parties may submit their data, views or arguments concerning the proposed adoption in writing to Eileen E. Shore, 1227 11th Avenue, Helena, Montana 59620, no later than August 30, 1982.

5. If a person who is directly affected by the proposed adoption 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 Eileen Shore, 1227 11th Avenue, Helena, Montana 59620, no later than August 30, 1982.

6. If the agency receives requests for a public hearing on the proposed rules from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed rules, from the Administrative Code Committee of the legislature, from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be two persons based on 16 pipe line companies in Montana.

-1466-

7. The Montana Consumer Counsel, 34 West 6th Avenue, Helena, Montana 59620 (telephone 449-2771), is available and may be contacted to represent consumer interests in this matter.


THOMAS J. SCHNEIDER, Commissioner

CERTIFIED TO THE SECRETARY OF STATE July 19, 1982.

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment) NOTICE OF PUBLIC HEARING ON
of rule 46.12.570 and the) THE AMENDMENT OF RULE
adoption of rules pertaining) 46.12.570 AND THE ADOPTION
to clinic services under the) OF RULES PERTAINING TO
state medicaid program) CLINIC SERVICES

TO: All Interested Persons

1. On August 19, 1982 at 9:30 a.m., a public hearing will be held in the auditorium of the Social and Rehabilitation Services Building, 111 Sanders, Helena, Montana to consider the amendment of Rule 46.12.570 and the adoption of rules pertaining to clinic services under the state medicaid program.

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

46.12.570 CLINIC SERVICES - DEFINITIONS Clinic

~~services are available only through those medical facilities that have a specific contract with the department.~~

(1) "Clinic services" means preventive diagnostic, therapeutic, rehabilitative, or palliative items or services provided on an outpatient basis by a facility that is not part of a hospital, but is organized and operated to provide medical care to outpatients independent of a hospital.

(2) "Class I anesthesia risk" means an individual with no detectable systemic diseases and no physical abnormalities which would in any way impair the functioning of his jaw, neck, airway, chest, or abdominal function.

(3) "Class II anesthesia risk" means an individual who has only one systemic disease which can potentially threaten the safe outcome of an anesthesia.

The authority of the department to amend the rule is based on section 53-6-113, MCA and the rule implements sections 53-6-101 and 53-6-141, MCA.

3. The rules as proposed to be adopted provide as follows:

RULE I CLINIC SERVICE, REQUIREMENTS

(1) Clinic services must be provided by a clinic which is licensed as an outpatient facility by the appropriate licensing entity of the state where the facility is located and may be provided only in:

- (a) mental health centers;
- (b) diagnostic centers;
- (c) surgical centers.

(2) Clinic services must be provided by, or under the direction of a licensed physician or, where appropriate a licensed dentist.

(3) Patients receiving clinic services must be either class I anesthesia risk or a class II anesthesia risk.

(4) Conditions for coverage of listed procedures:

(a) covered surgical procedures are limited to those procedures that do not generally exceed:

- (i) a total of 90 minutes operating time; and
- (ii) a total of 4 hours recovery or convalescent time.

(b) If the covered surgical procedure requires anesthesia, the anesthesia must be:

- (i) local or regional anesthesia; or
- (ii) general anesthesia of 90 minutes or less duration.

(c) Covered surgical procedures may not be of a type that:

- (i) generally result in extensive blood loss;
- (ii) requires a major or prolonged invasion of body cavities;
- (iii) directly involves major blood vessels;
- (iv) are generally emergency or life threatening in nature; or
- (v) can safely be performed in a physician's or dentist's office.

The authority of the department to adopt the rule is based on section 53-6-113, MCA and the rule implements sections 53-6-101 and 53-6-141, MCA.

RULE II CLINIC SERVICES, COVERED PROCEDURES

(1) Procedures which are covered by medicare and medicaid:

- (a) Integumentary System:
 - (i) Gynecomastia excision, uni-and bilateral - IV;
 - (ii) Breast biopsy (incision, excision, uni-or-bilateral) - III;
 - (iii) Mandible cyst excision, simple - III;
 - (iv) Pilonidal cyst excision, simple, extensive - III;
 - (v) Skin graft - III;
 - (vi) Benign lesion, excision (Limpoma) - I;
 - (vii) Fingernail, Toenail removal - I; and
 - (viii) Malignant lesion, excision (basal cell, Melanoma) - I.

- (b) Musculoskeletal System:
 - (i) Hammertoe Repair - IV;
 - (ii) Boutonniere repair - IV;
 - (iii) Bunionectomy - IV;
 - (iv) Ligament repair - IV;
 - (v) Neurectomy - IV;
 - (vi) Osteotomy - IV;
 - (vii) Synovectomy - IV;

- (viii) Arthroscopy - IV;
- (ix) Fasciectomy/Fasciotomy - IV;
- (x) Arthrodesis - IV;
- (xi) Arthroplasty - IV;
- (xii) Tendon Repair with graft, implant or transfer - IV;
- (xiii) Bursectomy - III;
- (xiv) Capsulectomy/capsulotomy (metacarpophalangeal and interphalangeal) - III;
- (xv) Ganglionectomy (wrist) - III;
- (xvi) Neuroma excision (Morton's and cutaneous and digital nerves) - III;
- (xvii) Osteotomy metatarsal (metatarsal head excision) - III;
- (xviii) Tendon repair without graft, implant or transfer - III;
- (xix) Phalangectomy (amputation, fingers and toes) - II;
- (xx) Sequestrectomy - II;
- (xxi) Tendon Sheath Release (De Quervains) - II;
- (xxii) Zygoma (Zygomatic arch), Reduction - II;
- (xxiii) Closed Reduction of Nasal Fracture - I;
- (xxiv) Tenotomy, hands, fingers, ankle, feet and toes - I;
- (xxiv) Trigger Finger Release (tendon sheath incision for) - I.
- (c) Respiratory System:
 - (i) Septal Reconstruction - IV;
 - (ii) Submucous Resection (turbinate and nasal septum) - IV;
- (iii) Ethmoidectomy - III;
- (iv) Nasal Polypectomy - II;
- (v) Antral Window (puncture) (Sinusotomy) - II;
- (vi) Bronchoscopy - I;
- (vii) Excision turbinate - I;
- (viii) Laryngoscopy - I.
- (d) Cardiovascular System:
 - (i) Varicose Vein Ligation - IV;
 - (ii) Temporal artery, ligation or biopsy - I.
- (e) Hemic and Lymphatic System:
 - (i) Cervical Node (lymph node) biopsy - II.
- (f) Digestive System:
 - (i) Pertioneoscopy (mini-laparotomy) - IV;
 - (ii) Herniorrhaphy - IV;
 - (iii) Colostomy Revision (simple) - III;
 - (iv) Wedge Resection of Lip - III;
 - (v) Hemorrhoidectomy - III;
 - (vi) Bronchial Arch Appendage Excision - II;
 - (vii) Liver Biopsy, percutaneous - II;
 - (viii) Vermillionectomy (Lip peel) - II;
 - (ix) Fistulectomy - II;

- (x) Esophagoscopy - I;
- (xi) Gastrosocopy - I;
- (xii) Rectal Dilation - I;
- (xiii) Tongue Biopsy - I.
- (g) Urinary System:
 - (i) Transurethral Resection of Bladder Tumor (Cystourethroscopy w/operative procedure) - III;
 - (ii) Cystourethroscopy - I;
 - (iii) Urethral Dilation - I.
- (h) Male Genital System:
 - (i) Varicocele repair - IV;
 - (ii) Hydrocele excision - III;
 - (iii) Spermatocoele excision - III;
 - (iv) Orchiectomy - II;
 - (v) Prostate Biopsy - I.
- (i) Female Genital System:
 - (i) Laparoscopy - IV;
 - (ii) Colpotomy, with exploration - III;
 - (iii) Dilation and curettage, diagnostic and/or therapeutic (nonobstetric) - III;
 - (iv) Bartholin cystectomy - II;
 - (v) Hysterosalpingogram - II;
 - (vi) Perineoplasty - II;
 - (vii) Vaginal tumor (cyst) excision - II;
 - (viii) Vulva (labia) biopsy - I;
 - (ix) Examination under Anesthesia (pelvic) - I;
 - (x) Vaginal Stenosis Release (Dilation of Vagina under anesthesia) - I;
 - (xi) Culdoscopy (Culdocentesis) - I.
- (j) Endocrine System:
 - (i) Thyroglossal Duct Cyst Removal - III.
- (k) Nervous System:
 - (i) Ulnar Nerve Repair - IV;
 - (ii) Ulnar Nerve Transfer - IV;
 - (iii) Neurolysis (including carpal tunnel decompression) - III;
- (l) Eye and Ocular Adnexa System:
 - (i) Cataract extraction - IV;
 - (ii) Enucleation, with and without implant - IV;
 - (iii) Iridectomy - IV;
 - (iv) Eye Muscle Operation (extraocular muscles, strabismus procedure) - IV;
 - (v) Ectropion/Entropion repair - III;
 - (vi) Canthoplasty/Tarsorrhaphy - II;
 - (vii) Chalazion excision - I;
 - (viii) Discission lens (needling of lens) - I;
 - (ix) Foreign Body Removal - I;
 - (x) Pterygium (excision or transposition) - I;
 - (xi) Lacrimal duct probing or reconstruction - I.
- (m) Auditory System:

- IV;
 - (i) Mastoidectomy, simple (transmastoid antrotomy) -
 - (ii) Myringoplasty - IV;
 - (iii) Stapedectomy - IV;
 - (iv) Tympanoplasty (without mastoidectomy) - IV;
 - (v) Myringotomy (including aspiration and/or eustachian tube inflation) - I.
 - (2) Procedures which are covered by medicaid but not by medicare:
 - (a) Integumentary System:
 - (i) Hyperhidrosis, bilateral, axillas, excision -
- III;
 - (ii) Lacerations, repair of, over one hour - IV;
 - (iii) Mamoplasty, reconstruction, unilateral - IV;
 - (iv) Mammoplasty, reconstruction, bilateral - IV;
 - (v) Rhytidectomy, regular - IV;
 - (vi) Rhytidectomy, partial - IV;
 - (vii) Rhytidectomy, with coronal lift - IV;
 - (viii) Rhytidectomy, with brow lift - IV;
 - (ix) Rhytidectomy, with chin revision - IV;
 - (x) Rhytidectomy, eye revision - IV;
 - (xi) Rhytidectomy, with blepharoplasty - IV;
 - (xii) Abdominoplasty/lipectomy, revision or mini, 2 hours or less - IV;
 - (xiii) Abdominoplasty/lipectomy - IV;
 - (xiv) Chemical peel - I;
 - (xv) Dermabrasion, perioral - I;
 - (xvi) Dermabrasion, full face - IV;
 - (xvii) Artistospan injection - I;
 - (xviii) Z-plasty (orthopedic) - I.
 - (b) Musculoskeletal System:
 - (i) Baker's cyst excision - III;
 - (ii) Biopsy, muscle - I;
 - (iii) Torticollis repair - IV;
 - (iv) Bone reconstruction - III;
 - (v) Closed reduction fracture, with x-ray - III;
 - (vi) Closed reduction fracture, without x-ray - I;
 - (vii) Debridement (orthopedic) - II;
 - (viii) Exostosis, excision - I
 - (ix) Foreign body excision, without x-ray (orthopedic) - I
 - (x) Foreign body excision, with x-ray (orthopedic) -
- III;
 - (xi) Fusion - II;
 - (xii) Hardware, removal - I;
 - (xiii) Manipulation of joints with x-ray - II;
 - (xiv) Manipulation of joints, without x-ray - I;
 - (xv) Mass excision with scar revision (of bone) -
- III;
 - (xvi) Metatarsal head, excision, unilateral - II;
 - (xvii) Metatarsal head, excision, bilateral - III;

- (xviii) Open reduction fracture, without x-ray - II;
- (xix) Tenosynovectomy - III;
- (xx) Brachioplasty - IV
- (xxi) Implant removal, unilateral - II;
- (xxii) Implant removal, bilateral - III;
- (xxiii) Inferior capsulotomy, unilateral - III;
- (xxiv) Inferior capsulotomy, bilateral - III.
- (c) Respiratory System:
 - (i) Caldwell-LUC - III;
 - (ii) Bronchoscopy, with operative procedure - III;
 - (iii) Rhinoplasty - IV;
 - (iv) Rhinoplasty, with chin implant - IV.
- (d) Digestive System:
 - (i) Adnoidectomy - I;
 - (ii) Arch bar removal - I;
 - (iii) Tonsillar tag excision - II;
 - (iv) Tonsillectomy, with or without adenoidectomy -
- II;
 - (v) Epigastric herniorrhaphy - III;
 - (vi) Esophagoscopy with operative procedure - II;
 - (vii) Inguinal herniorrhaphy, infant, unilateral -
- III;
 - (viii) Inguinal herniorrhaphy, infant, bilateral - IV;
 - (ix) Inguinal herniorrhaphy, adult, unilateral - IV;
 - (x) Inguinal herniorrhaphy, adult, bilateral - IV;
 - (xi) Rectal polypectomy - I;
 - (xii) Umbilical herniorrhaphy - III;
 - (xiii) Umbilical herniorrhaphy, with bilateral inguinal herniorrhaphy - IV;
 - (xiv) Umbilical sinus, excision - II.
- (e) Male Genital System:
 - (i) Orchiopexy - IV;
 - (ii) Orchiopexy & hernia - IV;
 - (iii) Circumcision, pediatric - I;
 - (iv) Circumcision, adult - III;
 - (v) Testicular biopsy - I.
- (f) Female Genital System:
 - (i) Cervical amputation (Sturmorf) - IV;
 - (ii) Cervical cone - II;
 - (iii) Cryotherapy, with biopsy and/or D & C - II;
 - (iv) Episiotomy - II;
 - (v) MacDonald's procedure - II;
 - (vi) Pelvic endoscopy (Shirodkar) - III;
 - (vii) Hysteroscopy - III;
 - (viii) Perineorrhaphy - III;
 - (ix) Transvaginal ligation of tubes - III;
 - (x) Tubal insufflation - I;
 - (xi) Vaginal web, excision - I;
 - (xii) Vaginoplasty - IV.
- (h) Nervous System:
 - (i) Caudal anesthesia, diagnostic procedure - I;

- (ii) Coeliac (splanchnic), diagnostic procedure - I;
- (iii) Lumbar sympathetic anesthesia, diagnostic procedure - I;
- (iv) Neurolysis;
- (A) Carpal tunnel decompression - III;
- (B) Finger - II;
- (C) Other - III.
- (v) Carpal tunnel ligament release - III;
- (vi) Nerve repair, finger - II;
- (vii) Nerve repair, other - III.
- (i) Eye and Ocular Adnexa:
- (i) Conjunctiva, repair of - I;
- (ii) Eye unilateral - IV;
- (iii) Eye, Bilateral - IV;
- (iv) Wedge resection, eyelid - III;
- (v) Blepharoplasty, combined - IV;
- (vi) Blepharoplasty, combined with brow repair - IV;
- (vii) Blepharoplasty - IV;
- (viii) Capsulotomy, closed, unilateral or bilateral - III;
- (ix) Capsulotomy, open, with exchange of implants unilateral - III;
- (x) Capsulotomy, open, with exchange of implants bilateral - IV.
- (j) Auditory System:
- (i) Poly tubes, removal - I;
- (ii) Otoplasty, unilateral - I;
- (iii) Otoplasty, bilateral - I.
- (k) Dentistry - Oral Surgery:
- (i) Impacted wisdom teeth removal of two or less - I;
- (ii) Impacted wisdom teeth, removal of, more than two - II;
- (iii) Multiple teeth extractions, adult - I;
- (iv) Multiple teeth extractions, children - I.

The authority of the department to adopt the rule is based on section 53-6-113, MCA and the rule implements sections 53-6-101 and 53-6-141, MCA.

RULE III CLINIC SERVICES, REIMBURSEMENT

(1) Rates for surgical centers shall be the lower of the providers actual (submitted) charge for the service or the fee specified in the following fee schedule:

- (a) group I procedures \$227;
- (b) group II procedures \$270;
- (c) group III procedures \$291; and
- (d) group IV procedures \$331.

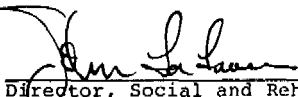
The authority of the department to adopt the rule is based on section 53-6-113, MCA and the rule implements

sections 53-6-101 and 53-6-141, MCA.

4. The department is amending and proposing new rules in order to take advantage of the most efficient and economical setting appropriate to the patients' medical needs while insuring that medicaid coverage is not expanded.

5. Interested parties may submit their data, views, or arguments, either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Office of Legal Affairs, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, Montana, no later than August 27, 1982.

6. The Office of Legal Affairs, Department of Social and Rehabilitation Services has been designated to preside over and conduct the hearing.



Director, Social and Rehabilitation Services

Certified to the Secretary of State July 19, 1982.

BEFORE THE WORKERS' COMPENSATION COURT
OF THE STATE OF MONTANA

In the matter of the adoption of	)	NOTICE OF ADOPTION
Rule 2.52.208 of the Workers'	)	OF RULE 2.52.208 OF
Compensation Court	)	THE WORKERS' COMPEN-
	)	SATION COURT

TO: All Interested Persons

1. On June 17, 1982, the Workers' Compensation Court published a Notice of Proposed Amendment of ARM 2.52.208 at page 1135, Montana Administrative Register, Issue No. 11 of 1982.

2. The Workers' Compensation Court has amended the rule with the following changes:

2.52.208 TIME AND PLACE OF TRIAL GENERALLY

(1) Same as proposed rule.

(2) Same as proposed rule.

(3) Court will be in session at the call of the Court.

The Court will not convene in an area where no petition has been filed. Cases will be heard beginning the first full week during the September and March terms in the area cities at the following times, subject to any exceptions the Court may make:

(a)-(i) Same as proposed rule.

During the December ~~and-June~~ terms trials ~~may~~ will be held in Helena, subject to any exceptions the Court may make.

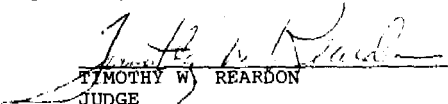
During the June term trials may be held in any location set by the Court.

(4) Same as proposed rule.

(5) Same as proposed rule.

(6) Same as proposed rule.

3. A written statement opposing subsection (6) of this rule was received from Mr. Terry N. Trieweller of Great Falls, Montana. He argues that this section could potentially deprive a worker of benefits by not expeditiously resolving the disputes. It is the Court's position that when necessary a party has a procedure to follow for emergency relief through the present rules of the Court.


TIMOTHY W. REARDON
JUDGE

CERTIFIED TO THE SECRETARY OF STATE:

July 19, 1982

Date

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF ARCHITECTS

In the matter of the amendments) NOTICE OF AMENDMENT OF ARM
of ARM 8.6.405 concerning) 8.6.405 RECIPROCITY; 8.6.410
reciprocity; 8.6.410 concerning) RENEWALS; 8.6.411 DUPLICATE
renewals; and 8.6.411 concerning) LICENSES AND ADOPTION OF A
duplicate licenses and adoption) NEW RULE 8.6.413 FEE
of a new rule setting a fee) SCHEDULE
schedule.)

TO: All Interested Persons:

1. On June 17, 1982, the Board of Architects published a notice to amend rules 8.6.405 concerning reciprocity; 8.6.410 concerning renewals, 8.6.411 concerning duplicate licenses and adoption of a new rule 8.6.413 setting a fee schedule at pages 1138 through 1140, 1982 Montana Administrative Register, issue number 11.

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

3. No comments or testimony were received.

BEFORE THE BOARD OF DENTISTRY

In the matter of the amendments) NOTICE OF AMENDMENT OF ARM
of ARM 8.16.402 concerning exam-) 8.16.402 EXAMINATIONS; 8.16.
inations for dentists; 8.16.405) 405 FEE SCHEDULE; 8.16.605
concerning the fee schedule for) EXAMINATIONS; and 8.16.606
dentists; 8.16.605 concerning) FEE SCHEDULE
examinations for dental hygien-) ists; and 8.16.606 concerning)
ists; and 8.16.606 concerning)
the fee schedule for dental)
hygienists.)

TO: All Interested Persons:

1. On June 17, 1982, the Board of Dentistry published a notice of amendment of 8.16.402 concerning examinations for dentists; 8.16.405 concerning the fee schedule for dentists; 8.16.605 concerning examinations for dental hygienists; and 8.16.606 concerning the fee schedule for dental hygienists at pages 1141 through 1143, 1982 Montana Administrative Register, issue number 11.

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

3. No comments or testimony were received.

DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF PUBLIC ACCOUNTANTS

In the matter of the amendment) NOTICE OF AMENDMENT OF ARM
of ARM 8.54.410 concerning the) 8.54.410 FEE SCHEDULE
fee schedule.)

TO: All Interested Persons:

1. On June 17, 1982, the Board of Public Accountants published a notice of amendment of ARM 8.54.410 fee schedule at pages 1144 and 1145, 1982 Montana Administrative Register, issue number 11.

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

3. A letter was received from three Helena CPA students objecting to the amount of the examination fee. The board has determined that the fee schedule as proposed set the various fees commensurate with the program costs and therefore has amended the rule as proposed. No other comments or testimony were received. The effective date of the rule amendment will be September 16, 1982.



GARY BUCHANAN, DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, July 19, 1982.

STATE OF MONTANA
DEPARTMENT OF COMMERCE

In the matter of the amendment)	NOTICE OF AMENDMENT OF RULE
of rule 8.79.101 (6),(a),(b),)	8.79.101 (6),(a), (b),(7),
(7), (8), (11)(e),(f), and (13))	(8), (11)(e), (f), (13) PUR-
as it relates to testing of raw)	CHASE AND RESALE OF MILK.
milk samples and reporting of)	
those results.)	

TO: All Interested Persons:

1. on June 17, 1982, the Milk Control Bureau of the Department of Commerce published a notice of amendment of rule 8.79.101, subsections (6), (6)(a) and (b), (7), (8), (11)(e) and (f) and (13) relating to testing of raw milk samples and reporting of those results at pages 1146 through 1148, 1982 Montana Administrative Register, issue number 11.

2. The bureau has amended the rules as proposed. However, it should be noted that in the original notice it indicates there is wording after (6) and prior to (a). The wording of (a) in the notice is actually (6) and (b) and (c) should have been numbered as (a) and (b). This change will be made with replacement pages. The authority and implementing section was cited as 81-23-104, MCA. The implementing section should be 81-23-105, MCA. David Niss with the Administrative Code Committee called with regard to this.

3. No other comments or testimony were received.

William E. Ross

WILLIAM E. ROSS, CHIEF
MILK CONTROL BUREAU
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, July 19, 1982.

STATE OF MONTANA
DEPARTMENT OF COMMERCE
MILK CONTROL BUREAU

In the matter of the Amendment)	NOTICE OF THE AMENDMENT
of Rule 8.79.301 regarding)	OF RULE 8.79.301 LICENSEE
Licensee Assessments)	ASSESSMENTS

TO: All Interested Persons:

1. On March 25, 1982, the Department of Commerce published a notice of a proposed amendment of Rule 8.79.301 regarding Licensee Assessments at page 530-531, 1982 Administrative Register, issue number 6.
2. The department has amended the rule exactly as proposed.
3. No comments or testimony were received.

DEPARTMENT OF COMMERCE
GARY BUCHANAN
DIRECTOR

BY William E. Ross
WILLIAM E. ROSS, CHIEF
MILK CONTROL BUREAU

Certified to the Secretary of State July 19, 1982

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF MILK CONTROL

In the matter of the amendment) NOTICE OF AMENDMENT OF ARM
of rule ARM 8.86.301 (6)(a)(iv)) 8.86.301 (6)(a)(iv), (vii),
(vii) (12), as it relates to) (12) PRICING RULES
the calculation of the minimum)
Class I producer and jobber)
prices.)

TO: All Interested Persons:

1. On June 17, 1982 the Board of Milk Control published notice of amendment of the above stated rule at pages 1149 through 1151, 1982 Montana Administrative Register, issue number 11.
2. The board has amended the rule exactly as proposed.
3. No comment or testimony was received.

BOARD OF MILK CONTROL
CURTIS C. COOK, CHAIRMAN

BY: William E. Ross
WILLIAM E. ROSS, CHIEF
MILK CONTROL BUREAU
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, July 19, 1982.

BEFORE THE FISH AND GAME COMMISSION
OF THE STATE OF MONTANA

In the matter of the repeal) NOTICE OF REPEAL OF
of Rule 12.9.201 relating to) RULE 12.9.201 AUGUSTA
Augusta Game Preserve) GAME PRESERVE

TO: All Interested Persons.


1. On April 15, 1982, the Fish & Game Commission of the State of Montana published notice of a proposed repeal of Rule 12.9.201 concerning the Augusta Game Preserve at page 635 of the 1982 Montana Administrative Register, issue number 7.

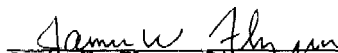
2. The Commission has repealed the rule as proposed thereby disestablishing the Augusta Game Preserve. The rule is found on page 12-612 of the Administrative Rules of Montana.

3. A public hearing was held at which no adverse comments or testimony were received. A report of the hearing officer was prepared and is included as part of the records of this action. This report is available upon request from the Department of Fish, Wildlife, & Parks, Helena, Montana.

4. This order of the commission is effective upon publication as required by law in the Montana Administrative Register and upon posting in three public places in Augusta, Montana, or within the vicinity of Augusta, Montana. The department employee posting this notice shall return a certificate to that effect to the department for placement in the records on this matter.

5. The authority for the agency's repeal of the rule is based on Sections 87-1-301 and 87-5-402 and implements Sections 87-1-305 and 87-5-401, MCA.


Spencer S. Hegstad, Chairman
Montana Fish & Game Commission


James W. Flynn, Director
Department of Fish, Wildlife, &
Parks

Certified to Secretary of State July 8, 1982

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

In the matter of the amendment	)	NOTICE OF THE AMENDMENT
of rule 16.8.1114, setting	)	OF RULE 16.8.1114
conditions on transfers of air)	
quality permits from locale to)	
locale or person to person	)	(Transfer of Permit)

TO: All Interested Persons

1. On April 15, 1982, the board published notice of a proposed amendment of rule 16.8.1114 concerning transfers of air quality permits at page 645 of the 1982 Montana Administrative Register, issue number 7.

2. The board has amended the rule with the following changes:

16.8.1114 TRANSFER OF PERMIT (1) An air quality permit may be transferred from one location to another if:

(a) written notice of intent to transfer location is sent to the department, along with documentation that the permittee has published notice of the intended transfer by means of a legal publication in a newspaper of general circulation in the area to which the transfer is to be made, such notice including the statement that public comment will be accepted for 15 days after the date of publication by the Air Quality Bureau, Cogswell Building, Helena, Montana 59620;

(b) the source is temporary; and

(c) the source will not have any significant impact upon any non-attainment area as defined by 40 CFR 81.327 nor upon any of the following areas:

- (i) Bob Marshall Wilderness Area,
- (ii) Anaconda Pintlar Wilderness Area,
- (iii) Cabinet Mountains Wilderness Area,
- (iv) Gates of the Mountains Wilderness Area,
- (v) Glacier National Park,
- (vi) Medicine Lake Wilderness Area,
- (vii) Mission Mountains Wilderness Area,
- (viii) Red Rock Lake Wilderness Area,
- (ix) Scapegoat Wilderness Area,
- (x) Selway-Bitterroot Wilderness Area,
- (xi) UL Bend Wilderness Area,
- (xii) Yellowstone National Park,
- (xiii) Northern Cheyenne Reservation,
- (xiv) Flathead Reservation.

(2) An air quality permit may be transferred from one person to another if written notice of intent to transfer, including the names of the transferor and transferee, is sent to the department. the person to whom the permit is to be transferred demonstrates that all major stationary sources, as defined in ARM 16-8-901(14), owned or operated by such person, or by any person controlling, controlled by, or under common control of such person, are subject to emission

limitations and are in compliance, or on a schedule for compliance, with all applicable air quality emission limitations and standards contained in this chapter.

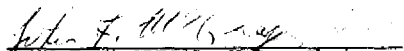
(3) The department will approve or disapprove a permit transfer within 30 days after receipt of a complete notice of intent as described in subsections (1)(a) or (2)(a) above.

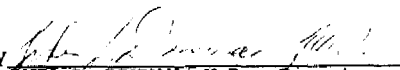
(4) The board hereby adopts and incorporates by reference 40 CFR Sec. 81.327, which sets forth air quality attainment status designations for the state of Montana--and ARM 16-8-901(14), which defines "major stationary source". Copies of 40 CFR Sec. 81.327 and ARM 16-8-901(14) may be obtained from the Air Quality Bureau, Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana 59620.

3. David Yesland, representing Shell Oil, objected to the subsection (2) requirement that all transferees, not just those in nonattainment areas, demonstrate compliance of all its other major stationary sources with air quality standards, largely because it exceeded EPA requirements.

The board agreed the provision was unnecessary because other air quality rules substantially provided the same protections as the proposed language was intended to supply, and eliminated it entirely.

The board also added language to subsection (2) requiring written notice of intent to transfer to be sent to the department. The added clause had been inadvertently left out of the original notice of amendment; however, it was obviously intended to be in the rule since subsection (3) refers to it, and its intended content is clear by reference to its parallel provision in (1)(a).


JOHN F. MCGREGOR, M.D., Chairman

By 
JOHN J. DRYNAN, M.D., Director,
Department of Health and
Environmental Sciences

Certified to the Secretary of State July 19, 1982

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

In the matter of the	)	NOTICE OF THE
amendment of rule 16.10.703,	)	AMENDMENT OF
stating the procedure and	)	ARM 16.10.703
requirements for licensure)	
as a tourist campground or	)	(Tourist Campground or
trailer court	)	Trailer Court)

TO: All Interested Persons

1. On June 17, 1982, the department published notice of a proposed amendment of rule 16.10.703 concerning standards which must be met and the procedure for licensure as a tourist campground or trailer court at page 1159 of the 1982 Montana Administrative Register, issue number 11.
2. The department has amended the rule as proposed.
3. No comments or testimony were received.

In the matter of the	)	NOTICE OF THE
amendment of rule 16.10.714,	)	AMENDMENT OF
containing requirements for	)	ARM 16.10.714
operators of tourist	)	(Tourist Campgrounds
campgrounds or trailer courts	)	and Trailer Courts)

TO: All Interested Persons

1. On June 17, 1982, the department published notice of a proposed amendment of rule 16.10.714 concerning day-to-day operating duties of an operator of a tourist campground or trailer court at page 1163 of the 1982 Montana Administrative Register, issue number 11.
2. The department has amended the rule as proposed.
3. No comments or testimony were received.

In the matter of the	)	NOTICE OF
repeal of rule 16.10.712,	)	REPEAL OF
which sets standards for	)	ARM 16.10.712
storage of fuel in tourist	)	(Tourist Campgrounds
campgrounds or trailer courts	)	and Trailer Courts)

TO: All Interested Persons

1. On June 17, 1982, the department published notice of a proposed repeal of rule 16.10.712 concerning requirements for storage of liquefied petroleum gas and fuel oil within trailer courts and tourist campgrounds at page 1161 of the 1982 Montana Administrative Register, issue number 11.

14-7/29/82

Montana Administrative Register

2. The department has repealed rule 16.10.712 found on pages 16-438 and 16-439 of the Administrative Rules of Montana.

3. No comments or testimony were received.

In the matter of the	)	NOTICE OF
repeal of rule 16.10.713,	)	REPEAL OF
setting fire safety standards	)	ARM 16.10.713
for tourist campgrounds	)	(Tourist Campgrounds
and trailer courts	)	and Trailer Courts)

TO: All Interested Persons

1. On June 17, 1982, the department published notice of a proposed repeal of rule 16.10.713 concerning fire safety standards for tourist campgrounds and trailer courts at page 1162 of the 1982 Montana Administrative Register, issue number 11.

2. The department has repealed rule 16.10.713 found on page 16-439 of the Administrative Rules of Montana.

3. No comments or testimony were received.


JOHN J. DRYNAN, M.D., Director

Certified to the Secretary of State July 19, 1982

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

In the matter of the	)	NOTICE OF THE
repeal of ARM 16.10.901,	)	REPEAL OF ARM 16.10.901
setting standards for)	
tourist campgrounds	)	(Tourist Campgrounds)

TO: All Interested Persons

1. On June 17, 1982, the department published notice of a proposed repeal of ARM 16.10.901 concerning health standards for tourist campgrounds at page 1165 of the 1982 Montana Administrative Register, issue number 11.

2. The department has repealed rule 16.10.901 found on pages 16-457 through 16-459 of the Administrative Rules of Montana.

3. No comments or testimony were received.


JOHN J. DRYNAN, M.D., Director

Certified to the Secretary of State July 19, 1982

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of ARM 24.11.414,	)	NOTICE OF ADOPTION OF ARM
24.11.415, and 24.11.416, extended bene-	)	24.11.414, 24.11.415,
fits and 24.11.417 pension deduction and	)	24.11.416, EXTENDED BENE-
amendment of ARM 24.11.411 concerning	)	FITS AND 24.11.417 PENSION
school as a reason for voluntary quit,	)	DEDUCTION AND AMENDMENT OF
extended benefits.	)	ARM 24.11.411 CONCERNING
		SCHOOL AS A REASON FOR
		VOLUNTARY QUIT.

TO: All interested Persons:

1. On May 27, 1982, the Department of Labor and Industry published a notice of the adoption of proposed rules 24.11.414, 24.11.415, 24.11.416 concerning extended benefits and 24.11.417 concerning pension deductions, and amending 24.11.411 concerning school as a reason for voluntary quit at pages 1081 through 1084, Montana Administrative Register issue number 10. These rules were adopted by the Department of Labor and Industry on 25th of June, 1982.

2. The Department has adopted and amended the rules as proposed with the following changes:

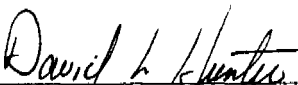
Rule I(1) citation 39-51-2501, MCA should read 39-51-2509, MCA.

Rule III citation 39-51-2302(2) should read 39-51-2303(2).

Rules I, II and III (AUTH. and IMP. Section 39-51-302 MCA) should read (AUTH. and IMP. Section 39-51-2508 MCA). Also, 24.11.411 should read (AUTH. and IMP. Section 39-51-2508 MCA).

Rule IV (AUTH. and IMP. Section 39-51-302 MCA) should read (AUTH. and IMP. Section 39-51-2203 MCA).

3. No comments or testimony were received. The above changes were made at the request of the staff of the Administrative Code Committee.



DAVID L. HUNTER, Commissioner
Department of Labor and Industry

Certified to the Secretary of State this 9th day of July, 1982.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

IN THE MATTER OF THE)	NOTICE OF ADOPTION OF RULES
ADOPTION OF RULES I, II, III,) I (42.23.107), II	
and IV relating to Montana) (42.23.108), III	
Corporate License Tax found) (42.23.109), IV (42.23.110),	
in Title 15, Chapter 31, MCA.)	providing that dividends
	received from small business
	companies shall be tax
	exempt.

TO: All Interested Persons:

1. On June 17, 1982, the Department published notice of adoption of proposed rules relating to the exemption of dividends and capital gains from corporate license tax at pages 1182 through 1184 of the 1982 Montana Administrative Register, issue no. 11.

2. The Department hereby adopts Rules I (42.23.107), III (42.23.109), IV (42.23.110) as originally noticed. Rule II (42.23.108) is hereby adopted with the following changes (deletions interlined and additions underlined):

RULE II (42.23.108) CONDITIONS FOR EXEMPTION FOR DIVI-
DENDS Dividends and capital gains received by a corporation from an investment in a Small Business Investment Company are exempt from tax and the provisions of Title 15, chapter ~~30~~ 31, MCA, provided all the following conditions are met:

(1) The Small Business Investment Company is organized for the purpose of diversifying and strengthening employment opportunities of companies within Montana.

(2) Within one year of licensing by the Small Business Administration, 75% of the Small Business Investment Company's investments are in manufacturing companies as defined in (a) or timber product processing companies, or agricultural companies as defined in (b), and such companies' processing plants are located within Montana. The companies must have at least 50% of their employees working in Montana.

(a) Manufacturing, for the purposes of this section, is defined as engaging in the mechanical or chemical transformation of materials or substances into new products. The manufacturing facilities are usually described as plants, factories, or mills and characteristically use power driven machines and material handling equipment. Businesses engaged in assembling component parts of manufactured products are all considered to be manufacturing if the product is neither a structure affixed to real estate nor a fixed improvement. Manufacturing facilities shall not include facilities engaged in whole or part in the extraction of any mineral or non-

renewable energy resource.

(b) Agricultural refers to the raising or processing of livestock, swine, poultry, field crops, fruit and other animal and vegetable matter.

(3) It is substantiated that the taxpayer has invested in the Small Business Investment Company and that the Small Business Investment Company has invested in companies located within Montana. The Small Business Investment Company must provide a report as part of the annual filing of the Montana corporation license tax return.

AUTH: 15-33-105; IMP: 15-33-102, 15-33-106.

3. The change made to rule 42.23.108, ARM, was necessary to correct the citation to the chapter containing the corporate license tax. The Department has adopted the rules as originally published as the Department has not received any written comments nor has it received any request for a public hearing.

4. Authority to promulgate these rules is found in §15-33-105, MCA.

IN THE MATTER OF THE ADOPTION)
OF RULES I, II, III and IV)
relating to Montana Income)
Tax found in Title 15,)
Chapter 30, MCA.)

NOTICE OF ADOPTION OF RULES
I (42.15.433), II
(42.15.434), III (42.15.435)
and IV (42.15.436) providing
dividends received from
Small Business Companies
shall be tax exempt.

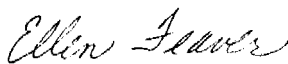
TO: All Interested Persons:

1. On June 17, 1982, the Department published notice of adoption of proposed rules relating to the exemption of dividends and capital gains from income tax at pages 1185 through 1187 of the Montana Administrative Register, issue no. 11.

2. The rules have been adopted as originally published.

3. The Department received no comments on the proposed rules nor any requests for a public hearing.

4. Authority to promulgate these rules is found in §15-35-105, MCA.


ELLEN FEAVER, Director
Department of Revenue

Certified to Secretary of State 7/19/82

NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

The Administrative Code Committee reviews all proposals for adoption of new rules or amendment or repeal of existing rules filed with the Secretary of State. Proposals of the Department of Revenue are reviewed only in regard to the procedural requirements of the Montana Administrative Procedure Act. The Committee has the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. In addition, the Committee may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a Joint Resolution directing an agency to adopt, amend or repeal a rule.

The Committee welcomes comments from the public and invites members of the public to appear before it or to send it written statements in order to bring to the Committee's attention any difficulties with existing or proposed rules. The address is Room 138, Montana State Capitol, Helena, Montana, 59620.

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA
AND THE MONTANA ADMINISTRATIVE REGISTER

Definition: Administrative Rules of Montana (ARM) is a loose-leaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR) is a soft back, bound publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statute and rules by the attorney general (Attorney General's Opinions) and agencies' (Declaratory Rulings) issued since publication of the preceding register.

Use of the Administrative Rules of Montana (ARM):

- | | |
|-------------------------------|---|
| Known Subject Matter | 1. Consult General Index, Montana Code Annotated to determine department or board associated with subject matter or statute number. |
| Department | 2. Refer to Chapter Table of Contents, Title 1 through 46, page i, Volume 1, ARM, to determine title number of department's or board's rules. |
| | 3. Locate volume and title. |
| Subject Matter and Title | 4. Refer to topical index, end of title, to locate rule number and catchphrase. |
| Title Number and Department | 5. Refer to table of contents, page 1 of title. Locate page number of chapter. |
| Title Number and Chapter | 6. Go to table of contents of Chapter, locate rule number by reading catchphrase (short phrase describing rule.) |
| Statute Number and Department | 7. Go to cross reference table at end of each title which lists each MCA section number and corresponding rules. |
| Rule in ARM | 8. Go to rule. Update by checking the accumulative table and the table of contents for the last register issued. |

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Procedure Act for inclusion in the ARM. The ARM is updated through March 31, 1982. This table includes those rules adopted during the period April 1, 1982 through June 30, 1982, and any proposed rule action that is pending during the past 6 month period. (A notice of adoption must be published within 6 months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through March 31, 1982, this table and the table of contents of this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule and the page number at which the action is published in the 1981 and 1982 Montana Administrative Registers.

ADMINISTRATION, Department of, Title 2

I-VI	Adoption of Personnel Policy, p. 429, 843
I-VII	Education and Training, p. 435, 843
I-VII	Alternate Work Schedules, p. 681
2.11.103	Capitol Building Tour Guide Service, p. 623, 1090
2.21.4701	and other rules - New Employee Orientation, p. 439, 844
2.21.5101	and other rules - Exit Interviews, p. 433, 844
2.21.6704	Creation of the State Incentive Awards Advisory Council, p. 624, 1198
2.23.304	and other rules - Operation of Montana Merit System, p. 1137A
(Workers' Compensation Court)	
2.52.208	Time and Place of Trial Generally, p. 1135

AGRICULTURE, Department of, Title 4

I-III	Emergency Rules - Certain Uses of Pesticides Ambush 2E and Pounce 3-2 E.C., p. 1091
I-II	Storage Contracts and Warehouse Receipts of Bean Warehousemen, p. 1248
I-III	Emergency Rules - Certain Uses of the Pesticide Lorsban 4E, p. 845
I-XII	Establishing Operating Procedures for Alfalfa Seed Committee, p. 516, 1094
I-XII	Food and Fuels Program, p. 627

- I-XIII Virus Indexing of Nursery Stock, p. 520, 1095
- 4.2.303 Determination of Necessity for Environmental Impact Statement, p. 683
- 4.4.303 Insured Crops, p. 780, 1266
- 4.9.501 and other rules - Food and Fuels Program, p. 848
- 4.9.513 and other rules - Food and Fuels Program, p. 626
- 4.10.301 and other rules - Aquatic Herbicides, p. 515

COMMERCE, Department of, Title 8

(Board of Architects)

- 8.6.405 and other rules - Reciprocity, Renewals, Licenses, Fee Schedule, p. 1138

(Board of Barbers)

- 8.10.802 Sanitation Requirements, p. 324, 684

(Board of Chiropractors)

- 8.12.601 and other rules - Applications, Education Requirements - Examinations, Temporary Permit, p. 1250

(Board of Dentistry)

- 8.16.402 and other rules - Examination, Fee Schedule, p. 1141

(State Electrical Board)

- 8.18.403 and other rules - General Responsibilities and Setting a Fee Schedule, p. 684

- 8.18.403 General Responsibilities, p. 633, 1267

(Board of Horse Racing)

- I-III Trifecta Wagering, p. 782

I-XI Medication, p. 441

- 8.22.1001 and other rules - Harness Horse Racing Regulations, p. 1337

- 8.22.701 Trainers, p. 684

(Board of Landscape Architects)

- 8.24.405 and other rule - Examinations and Reciprocity, p. 446, 849

(Board of Medical Examiners)

- 8.28.418 and other rules - Registration, Fees - Physicians, p. 1065, 1389

- 8.28.1605 and other rules - Osteopathic Physicians, p. 1067, 1391

- 8.28.1701 and other rules - Podiatrist, p. 1069, 1392

(Board of Nursing)

- 8.32.401 and other rules - Regulating the Nursing Education, Licensure and Practice, p. 785

(Board of Optometrists)

- 8.36.405 and other rules - Reciprocity, Requirements, Fee Schedule, p. 1071, 1390

(Board of Public Accountants)

- 8.54.410 Fee Schedule, p. 1144

(Board of Realty Regulation)

- 8.58.409 and other rule - Branch Office Requirements; Trust Account Requirements, p. 798, 1199

(Board of Veterinarians)

- 8.64.402 and other rules - Fee Schedule, Applications,
Disciplinary Action, Unprofessional Conduct, p.
525, 1047

(Milk Control)

- 8.79.101 Purchase and Resale of Milk, p. 1146
8.79.301 Licensee Assessments, p. 530
8.86.301 Calculation of Minimum Retail Price of Milk, p.
1096
8.86.301 Pricing Rules, p. 1149

EDUCATION, Title 10

(Board of Public Education)

- I School Psychologists, p. 1155
10.55.403 Basic Instructional Program: Elementary, p. 1076
10.57.501 School Psychologists, Social Workers, Nurses and
Speech and Hearing Therapists, p. 1152
10.58.303 Professional Education, p. 1074

FISH, WILDLIFE & PARKS, Department of, Title 12

- 12.3.101 Regulations for Issuance of Fish and Game Licenses,
p. 448, 850
12.6.501 and other rules - Outfitters and Professional
Guides Regulations, p. 1252
12.6.901 Water Safety Regulations, p. 636, 1268
12.7.501 Fish Disease Certification, p. 1157
12.9.201 Augusta Game Preserve, p. 635

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

- I Laboratory Fees - Drinking Water, p. 889, 1269
I-XII Hotels, Motels, Tourist Homes, Roominghouses,
Retirement Homes, p. 534, 1049
XV Establishing Groundwater Classifications,
Standards, and a Permit Program, p. 1167
16.8.701 Definitions - Air Quality Rules, p. 697
16.8.705 and other rule - Malfunctions, p. 646, 1201
16.8.901 and other rules - Air Quality, p. 147
16.8.1102 Air Quality Permit Required, When, p. 697
16.8.1109 Conditions for Issuance of Air Quality Permit, p.
643, 1201
16.8.1114 Transfer of Permit, p. 645
16.8.1405 Open Burning Rules, p. 143, 686, 688
16.8.1423 and other rule - Air Quality, p. 1078, 1166
16.10.601 and other rules - Regulating Hotels, Motels,
Tourist Homes, Roominghouses, p. 533, 1048
16.10.701 and other rules - Tourist Campgrounds and Trailer
Courts, p. 1098, 1114
16.10.703 Requirements for Licensure as a Tourist Campground
or Trailer Court, p. 1159
16.10.712 Standards for Storage of Fuel in Tourist Campground
or Trailer Court, p. 1161

- 16.10.713 Fire Safety Standards for Tourist Campgrounds and Trailer Courts, p. 1162
- 16.10.714 Requirements for Operators of Tourist Campground or Trailer Courts, p. 1163
- 16.10.901 Standards for Tourist Campgrounds, p. 1165
- 16.20.241 Laboratory Fees for Public Water Supply Systems, p. 889
- 16.20.605 and other rules - Surface Water Classifications, p. 1180,
- 16.20.618 and other rules - Surface Water Quality Standards, p. 1375
- 16.20.902 and other rule - Definitions and General Permits, Water Quality, p. 638, 1203
- 16.24.401 and other rules - Day Care Centers, p. 81, 84, 1116

HIGHWAYS, Department of, Title 18

- 18.2.101 Model Procedural Rules, p. 331, 699
- 18.6.244 Cultural Signs, p. 332, 698
- 18.8.422 Temporary Trip Permits, p. 340, 699
- 18.8.505 and other rule - Oversize Permits, p. 337, 699
- 18.8.514 Issuance of Overlength Special Permits, p. 335
- 18.8.514 Length - Special Permits, p. 649

INSTITUTIONS, Department of, Title 20

- I-IV Resident Reimbursement at Community Correctional Centers, p. 343, 701
- I-XI Reimbursement Policies, p. 450
- 20.11.101 and other rules - Reimbursement Policies, p. 450

LABOR AND INDUSTRY, Department of, Title 24

- No # Notice of Petition for Declaratory Ruling and Public Hearing - Nonconstruction Contracts Let By Public Contracting Agencies, p. 543
- I-V Coverage Under State Compensation Insurance Fund, p. 1085, 1397
- 24.9.206 and other rules - Processing of No Cause Complaints by the Commission, p. 801, 1395
- 24.9.801 Definitions - Mental Health - Physical Handicap, p. 811, 1393
- 24.11.411 and other rules - Unemployment Insurance, School as Reason for Voluntary Quit, p. 1081, 1396

STATE LANDS, Department of, Title 26

- 26.2.101 Model Procedural Rules, p. 816
- 26.3.108 and other rule - Renewals of Surface Leases and Preference Rights, p. 1379

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- I-X Petroleum Industry Reporting Requirements, p. 1384
- I-XX Renewable Resources Development Program, p. 651
- 36.8.101 and other rules - Renewable Energy Grant and Loan Program, p. 458, 851
- 36.12.102 and other rule - Revised Forms and Increased Application Fees for Beneficial Water Use Permits, p. 702
- (Board of Oil and Gas Conservation)
- 36.22.302 and other rules - Oil and Gas Division Regulatory Program, p. 817, 1398
- 36.22.1001 and other rule - Rotary Drilling Procedure, Cable Drilling Procedures, p. 546, 1205
- 36.22.1308 Plugging and Restoration Bond, p. 346, 855

PUBLIC SERVICE, Department of, Title 38

- I-III Nonregulated Status of Car Pools, p. 893, 1089
- I-XIV Governing Water Service Provided by Privately Owned Water Utilities and County Water Districts, p. 861
- 38.5.506 Interim Utility Rate Increases Rules, p. 176, 857

REVENUE, Department of, Title 42

- I Retail Selling Prices Liquor and Wine, p. 1188
- I-III Appraisal of Mobile Homes, p. 185, 1206
- I-IV Montana Corporate License, p. 1182
- I-IV Montana Income Tax - Small Business Companies, p. 1185
- I-IX Valuation and Assessment of Industrial Property, p. 178, 1270
- I-IV Assessment of Furniture and Fixtures Used in Commercial Establishments, p. 1052
- 42.15.111 Montana Military Personnel, p. 662, 1124
- 42.21.132 Mining Equipment, p. 180, 1270
- 42.22.105 and other rules - Reporting Requirements for Centrally Assessed Companies, p. 87, 705
- 42.22.1117 Marketing, Administrative and Other Operational Costs Mines Tax, p. 1190

SECRETARY OF STATE, Title 44

- I-VIII Implementing Initiative 85, the Montana Lobbyist Disclosure Act of 1980, p. 91
- I-XV Implementing Initiative 85, Montana Lobbyist Act of 1980, p. 551, 1208
- 1.2.210 Adoption of an Agency Rule by Incorporation by Reference, p. 549, 1057
- 1.2.423 Agency Filing Fees, p. 1089A, 1401

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

- I Reduction of the Number of Children in Foster Care for More Than 24 Months, p. 98, 874
- I Pregnant Minor or Minor with Child, p. 665

- I-III Refugee Assistance, p. 411
- I-III Refugee Assistance, p. 970, 1279
- I-VIII AFDC Work Experience and Training Program, p. 667, 1217
- I-VIII Community Services Block Grants to Counties, p. 671, 1222
- I-VIII End Stage Renal Program, p. 993, 1317
- I-IX Family Day Care Homes, p. 207, 717
- I-XII Day Care Facilities Caring for Infants, p. 199, 722
- I-XIV Group Day Care Homes, p. 214, 712
- I-XIX Low Income Weatherization Assistance Program, p. 982, 1309
- I-XXIII Low Income Energy Assistance, p. 348, 732
- 46.5.905 and other rules - Day Care Rates and Earned Income Disregards, p. 1263
- 46.5.912 and other rule - Day Care Centers, p. 189, 709
- 46.5.1102 and other rule - Domestic Violence Advisory Committee and Grant Applications, p. 840, 1279
- 46.6.201 and other rules - Nature and Scope of Vocational Rehabilitation Services and Eligibility for Those Services, p. 1002, 1287
- 46.9.201 and other rules - Supplemental Payments to Recipients of Supplemental Income, p. 966, 1281
- 46.9.401 and other rules - General Relief Assistance, p. 677
- 46.9.501 and other rules - County Medical Program, p. 1193
- 46.10.403 AFDC Table of Assistance Standards, p. 976
- 46.10.404 and other rules - Day Care Rates and Earned Income Disregards, p. 1263
- 46.11.101 Food Stamp Program, p. 1196
- 46.11.101 Food Stamp Program, p. 1259
- 46.11.101 Food Stamp Program, p. 1261
- 46.12.101 and other rules - Medicaid Eligibility, p. 245, 729
- 46.12.522 and other rules - Medical Services, Reimbursement, p. 896, 1289
- 46.12.1201 and other rules - Reimbursement for Skilled Nursing and Intermediate Care Services, Reimbursement Method and Procedures, p. 225, 372
- 46.12.1201 Nursing Home Reimbursement, p. 1022, 1292
- 46.12.1201 Economic Impact - Nursing Home Reimbursement, p. 1045
- 46.12.3803 Medically Needy Income Standards, p. 973