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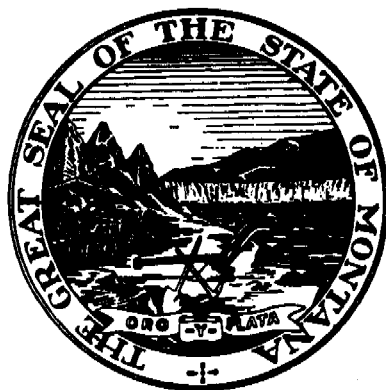
MONTANA ADMINISTRATIVE REGISTER

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OF MONTANA

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 23

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 The notice section contains state agencies' proposed new, amended or repealed rules, the rationale for the change, date and address of public hearing, and where written comments may be submitted.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.

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STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF DENTISTRY

IN THE MATTER OF the proposed) NOTICE OF PUBLIC HEARING ON
amendments of ARM 8.16.405 con-) PROPOSED AMENDMENTS OF 8.16.405
cerning the fee schedule for) FEE SCHEDULE AND 8.16.606
dentists and 8.16.606 concern-) FEE SCHEDULE
ing the fee schedule for dental)
hygienists.)

TO: All Interested Persons:

1. On January 6, 1983 at 1:00 p.m. a public hearing will be held in the new Highway Department Auditorium, 2701 Prospect Avenue, Helena, Montana, to consider the proposed amendments of rules 8.16.405 concerning the fee schedule for dentists and 8.16.606 concerning the fee schedule for dental hygienists.

2. The proposed amendment of 8.16.405 will read as follows:
(new matter underlined, deleted matter interlined)

"8.16.405 FEE SCHEDULE

(1) Examination fee	\$40.00	50.00
(2) Re-examination fee	40.00	50.00
(when re-examination does not occur at the same testing date and site as the initial examination)		
(3) Reciprocity		50.00
(4) Licensure	25.00	30.00
(5) Renewal, in-state	30.00	35.00
(6) Renewal, out-of-state	30.00	35.00
(7) Duplicate licensure fee		10.00
(8) Penalty fee	25.00	50.00
(9) Documents	10.00	20.00 "

3. The board is proposing the amendment to set fees commensurate with program costs. In the past few years, the board has had an increase in legal costs because of the increased number of complaints, thus finding it necessary to increase the above fees. The authority of the board to make the amendment is based on section 37-1-134, MCA and implements sections 37-4-302 (4) (e) (f), (7), and 307, MCA.

4. The proposed amendment of 8.16.606 will read as follows:
(new matter underlined, deleted matter interlined)

"8.16.606 FEE SCHEDULE

(1) Examination fee	\$40.00	50.00
(2) Re-examination fee	40.00	50.00
(when re-examination does not occur at the same testing date and site as the initial examination)		
(3) Reciprocity		20.00
(4) Renewal, in-state	20.00	30.00
(5) Renewal, out-of-state	20.00	30.00
(6) Licensure fee	25.00	30.00
(7) Duplicate license fee		10.00
(8) Penalty fee	25.00	50.00

(9) Documents

~~10-00~~ 20.00"

5. The board is proposing the amendment to set fees commensurate with program costs. For the past several years, legal costs have greatly increased for the board, due to an increased number of complaints. The board has found it necessary to increase fees to cover those costs. The authority of the board to make the amendment is based on section 37-1-134, MCA and implements sections 37-4-402 (5) (e) (f), (7), and 406, MCA.

6. 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 the Board of Dentistry, 1424 9th Avenue, Helena, Montana 59620-0407, no later than January 13, 1983.

7. Geoffrey Brazier, Helena, Montana has been designated to preside over and conduct the hearing.

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

BOARD OF DENTISTRY

ROBERT W. FRITZ, D.D.S., PRESIDENT

BY: 

ROBERT J. WOOD, ATTORNEY
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, December 6, 1982.

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

IN THE MATTER OF the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of ARM 8.28.416 con-) OF ARM 8.28.416 EXAMINATION
cerning examinations for)
physicians.) NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On January 15, 1983, the Board of Medical Examiners proposes to amend ARM 8.28.416 concerning examinations.

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

"8.28.416 EXAMINATION (1) ...

(2) All applicants for licensure to practice medicine and surgery by the examination shall pay an examination fee of \$100 \$180.

(3)..."

3. The board is proposing the amendment as the suppliers of the national examination have increased the cost to the board to \$160 per examination. The remaining \$20 charged by the board is to cover board costs in administering the examination.

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 January 13, 1983.

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 January 13, 1983.

6. If the board receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of those 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 public 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 5 based on the 50 applicants per year.

7. The authority of the board to make the proposed change is based on section 37-3-203, MCA and implements section 37-3-308, MCA.

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

BY:

ROBERT J. WOOD, ATTORNEY
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, December 6, 1982.
MAR NOTICE NO. 8-28-28

23-12/16/82

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF PLUMBERS

IN THE MATTER OF the proposed) NOTICE OF PROPOSED ADOPTION
adoption of a new rule requir-) OF A NEW RULE ENTITLED GENERAL
ing licensees to carry their) RESPONSIBILITIES WHICH WILL
licenses while engaged at the) REQUIRE LICENSEES TO CARRY
trade.) THEIR LICENSE WHILE ENGAGED
AT THE TRADE

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On January 15, 1983, the Board of Plumbers proposes to adopt a new rule requiring licensees to carry their licenses on their person while engaged at the trade and will also require the licensee to show that license to appropriate authorities.

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

"1. GENERAL RESPONSIBILITIES (1) Licensed journeyman and master plumbers shall have their licenses on their person at all times while engaged at the trade of plumbing.

(2) Licensed journeyman and master plumbers shall be required to show such license to appropriate authorities when requested to do so."

3. The board is proposing the rule to aid the inspectors in the field when checking for licenses. It is at times difficult to ascertain whether an individual is a licensed individual or not. The board feels this rule would assist the licensing inspectors as well as code enforcement personnel to enforce the requirements of the statutes. The authority of the board to make the proposed change is based on section 37-69-202, MCA and implements the same.

4. Interested persons may submit their data, views or arguments concerning the proposed adoption in writing to the Board of Plumbers, 1424 9th Avenue, Helena, Montana 59620-0407, no later than January 13, 1983.

5. If a person who is directly affected by the proposed adoption 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 comment he has to the Board of Plumbers, 1424 9th Avenue, Helena, Montana 59620-0407, no later than January 13, 1983.

6. If the board receives requests for a public hearing on the proposed adoption from either 10% or 25, whichever is less, of those persons 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

-2117-

Administrative Register. Ten percent of those persons directly affected has been determined to be 90 based on the 900 licensees.

7. The authority of the board to make the proposed change is based on section 37-69-202, MCA and implements the same.

BOARD OF PLUMBERS

DANIEL P. ANTONIETTI, CHAIRMAN

BY: 

ROBERT J. WOOD, ATTORNEY
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, December 6, 1982.

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF RADIOLOGIC TECHNOLOGISTS

IN THE MATTER of the proposed) NOTICE OF PROPOSED AMENDMENTS
amendments of ARM 8.56.401 con-) OF ARM 8.56.401 DEFINITIONS
cerning definitions and 8.56.) AND 8.56.406 PERMITS
406 concerning permits.)

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On January 15, 1983, the Board of Radiologic Technologists proposes to amend 8.56.401 concerning definitions and 8.56.406 concerning permits.

2. The proposed amendment of 8.56.401 adds a new subsection (2) and will read as follows: (new matter underlined, deleted matter interlined)

"8.56.401 DEFINITIONS (1)...

(2) 'Direct supervision' for purposes of rule 8.56.406 subsection (1)(c) shall mean that the radiologist or radiologic technologist shall be physically present while x-rays are being performed."

3. The board is proposing the amendment to clarify what direct supervision means in relation to the proposed change in rule 8.56.406 (1)(c) to eliminate any questions which may arise from that rule amendment. The authority of the board to make the proposed change is based on section 37-14-202, MCA and implements sections 37-14-305, 306, MCA.

4. The proposed amendment of 8.56.406 will read as follows: (new matter underlined, deleted matter interlined)

"8.56.406 PERMITS (1) Applicants for permit to perform x-ray procedures must meet the following requirements for approval to take the examination for permit:

(a)...

(c) must have proof of a minimum of 6 months practical experience under the direct supervision of a radiologic technologist or radiologist.

(2)..."

5. Section 37-14-306, MCA requires that before the board can issue a permit, the applicant must have demonstrated to the satisfaction of a physician specializing in radiology, that he is capable of performing x-rays without endangering the public health and safety. The board feels that the required training under subsection (1)(c) of this rule should be under the direct supervision of a radiologic technologist or radiologist to guarantee the public is adequately protected from improperly applied x-rays. The board's concern stems from the current knowledge of potential danger involving x-rays. The authority of the board to make the proposed change is based on section 37-14-202, MCA and implements sections 37-14-305, 306, MCA.

6. Interested persons may submit their data, views or arguments concerning the proposed amendments in writing to the Board of Radiologic Technologists, 1424 9th Avenue, Helena, Montana, 59620-0407, no later than January 13, 1983.

7. If a person who is directly affected by the proposed amendments 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 Radiologic Technologists, 1424 9th Avenue, Helena, Montana, 59620-0407 no later than January 13, 1983.

8. If the board receives requests for a public hearing on the proposed amendments from either 10% or 25, whichever is less, of those 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 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 cited after each proposed amendment.

BOARD OF RADIOLOGIC TECHNOLOGISTS
PHIL HARTSON, RT, ARRT, CHAIRMAN

BY: 

ROBERT J. WOOD, ATTORNEY
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, December 6, 1982.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the Amend-	) NOTICE OF PROPOSED AMEND-
ment of Rule 8.79.101 (5),	) MENT OF RULE 8.79.101 (5),
(7), (8), (11)(e), (f), and	) (7), (8), (11)(e), (f) AND
(13) as it relates to invoice	) (13). PURCHASE AND RESALE
billing of raw milk samples	) OF MILK.
and reporting of those results.)	) DOCKET #61-83

TO: All Interested Persons:

1. On January 12, 1983 at 9:00 a.m. MST, or as soon thereafter as interested parties can be heard, a public hearing will be held in the lower conference room in the Department of Commerce at 1424 Ninth Avenue, Helena, Montana 59620.

2. The hearing will be held at the request of Gallatin Dairies, Inc. of Bozeman and Beatrice Foods Co. of Billings, Great Falls, Missoula and Kalispell, Montana. The petition filed by Gallatin Dairies, Inc. proposes amending rule 8.79.101 (5) as follows: (full text of rule is located at pages 8-2302 through 8-2310 Administrative Rules of Montana) (new matter underlined, deleted matter interlined)

"8.79.101 Purchase and Resale of Milk

(1)...

(5) Distributors, jobbers and import jobbers delivering to wholesale stops must leave at such wholesale stops an invoice of the sales of fluid milk for each day's delivery, itemized as to number of each separate form or use of milk sold and the total price of each such form or use sold. In instances where the distributor elects to utilize a computer to bill its customers, the distributor may elect to forego recording the total price and unit price of each such form or use of milk sold on the invoice left with wholesale customers. In the computer invoice utilized, the billing system must indicate the number of each separate form or use of milk sold, the unit price and the total price of each such form or use sold.

..."

3. The purpose for Gallatin Dairies, Inc. proposing to amend Rule 8.79.101 (5) is to provide for greater flexibility in the rule to permit the use of alternative systems which will result in a considerable time and cost savings to Gallatin Dairies, Inc. The petition filed by Beatrice Foods Co., Billings, Great Falls, Missoula and Kalispell proposes amending Rule 8.79.101 (7), (8), (11)(e) and (f), and (13) as follows: (full text of rule is located at pages 8-2302 through 8-2310 Administrative Rules of Montana) (new matter underlined, deleted matter interlined)

"8.79.101 Purchase and Resale of Milk

(1)...

~~(7) Distributors must test each farm bulk tank of producer milk picked up by each distributor or contract hauler. Test results are to be used by distributors to determine producer payments each month. Each sample must be retained for a period of seven (7) days.~~

(7) Producer payments shall be based upon butterfat tests conducted by the distributor, personnel of the Milk Control Bureau or personnel of the Animal Health Division of the Department of Livestock. Absent a controversy, payments shall normally be based upon butterfat tests conducted by personnel of the distributor either from (a) composite samples or (b) tests from samples taken from each farm bulk tank of producers milk picked up by each distributor or contract hauler. The producer shall designate in writing to the distributor which method of sampling shall be utilized by the distributor in conducting butterfat tests of the producer's milk. Provided, however, that should a producer elect to have payments based upon tests from samples taken from each bulk tank picked up, as detailed in (b) above, the distributor may require the producer to authorize in writing a deduction from payments due the producer of any increase in cost which may accrue to the distributor over and above the costs which the distributor would incur were it to utilize tests from composite samples in computing the payments due the producer.

~~(8) Each distributor must maintain a record of butterfat tests of every farm bulk tank of producer milk picked up by processors or contract haulers. Such record shall be kept on file for two years and be made available to any authorized agent of the Department upon request.~~

(8) Whether tested under (7) (a) or (7) (b) above, distributors shall maintain a record of all butterfat tests conducted on each producer's milk for a period of two (2) years, which records shall be made available on request to authorized agents of the Milk Control Bureau and/or of the Animal Health Division of the Department of Livestock.

...
(11)...

~~(e) Butterfat test for each farm bulk tank of producer milk picked up.~~

(e) The results of all butterfat tests conducted on the producer's milk for the period being reported.

(f) Pounds of producer milk delivered each day of pick-up from each farm bulk tank during the period being reported.

...
(13) On or before the 15th day of each month each distributor must submit to the department a duplicate or other correct copy of his producer payroll for the preceding month, indicating the daily weight of milk delivered from each farm bulk tank of producer milk and each butterfat test of same, total producer deliveries and payment for each producer supplying the plant.

(13) Conterminously with the report to be forwarded by the distributor to each producer under section (11) above, each distributor shall mail a copy of such report to the Department.

...."

4 Beatrice Foods Co. requests Rule 8.79.101 (7), (8), (11) (e), (f) and (13) be amended so any increase in cost for testing producer milk can be absorbed by the producers who are requesting the service.

5. Interested persons may present data, views or arguments pursuant to section 2-4-302, MCA, either orally or in writing at the hearing or by mailing the same to the Milk Control Bureau, 1430 Ninth Avenue, Helena, Montana 59620-4022 no later than January 13, 1983.

6. Mr. Jeff Brazier, 1424 Ninth Avenue, Helena, Montana, has been designated to preside over and conduct the hearing.

7. The authority of the department to conduct the hearing is based on section 81-23-104, MCA, and implements Sections 81-23-103, 81-23-105 and 81-24-402, MCA.

GARY BUCHANAN, DIRECTOR
DEPARTMENT OF COMMERCE

By: William E. Ross

William E. Ross, Chief
Milk Control Bureau

Certified to the Secretary of States Office December 6, 1982.

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

In the matter of the adoption	)	NOTICE OF ADOPTION OF
of amendments to federal	)	AMENDMENTS TO
agency rules pertaining to	)	FEDERAL AGENCY RULES PRESENTLY
food definitions and	)	INCORPORATED BY REFERENCE
standards	)	IN ARM 16.10.101
	)	(Food Standards)
		NO PUBLIC HEARING CONTEMPLATED

To: All Interested Persons

1. The department hereby gives notice of the adoption and incorporation by reference of later amendments to federal agency rules (listed below) presently incorporated by reference in ARM 16.10.101, Food Standards. The amendments set forth the most recent federal provisions for procedures, definitions and standards applicable to the subject matter (listed below). Copies of any of the federal regulations may be obtained from the Food and Consumer Safety Bureau, Montana Department of Health and Environmental Sciences, Cogswell Building, Capitol Station, Helena, Montana, 59620. The subject matter and Code of Federal Regulations (CFR) Parts presently incorporated by reference in ARM 16.10.101 are:

- | | |
|---|------------|
| (a) Color additives | 21 CFR 70 |
| (b) Color additive petitions | 21 CFR 71 |
| (c) Listing of color additives
exempt from certification | 21 CFR 73 |
| (d) Listing of color additives
subject to certification | 21 CFR 74 |
| (e) Color additive certification | 21 CFR 80 |
| (f) General specifications and
general restrictions for
provisional color additives
for use in foods, drugs and
cosmetics | 21 CFR 81 |
| (g) Listing of certified pro-
visionally listed colors
and specifications | 21 CFR 82 |
| (h) General (food for human
consumption) | 21 CFR 100 |
| (i) Food labeling | 21 CFR 101 |
| (j) Common or usual name for
non-standardized foods | 21 CFR 102 |
| (k) Quality standards for foods
with no identity standards | 21 CFR 103 |
| (l) Nutritional quality guide-
lines for foods | 21 CFR 104 |
| (m) Foods for special dietary use | 21 CFR 105 |
| (n) Unavoidable contaminants in
food and food packaging
material | 21 CFR 109 |

(o) Thermally processed low-acid foods packaged in hermetically sealed containers	21 CFR 113
(p) Cacao products and confectionery	21 CFR 118
(q) Smoked and smoke-flavored fish	21 CFR 122
(r) Frozen raw breaded shrimp	21 CFR 123
(s) Processing and bottling of bottled drinking water	21 CFR 129
(t) Food standards: general	21 CFR 130
(u) Milk and Cream	21 CFR 131
(v) Cheeses and related cheese products	21 CFR 133
(w) Frozen desserts	21 CFR 135
(x) Bakery products	21 CFR 136
(y) Cereal flours and related flours	21 CFR 137
(z) Macaroni and Noodle products	21 CFR 139
(aa) Canned fruits	21 CFR 145
(ab) Canned fruit juices	21 CFR 146
(ac) Fruit butters, jellies, preserves, and related products	21 CFR 150
(ad) Fruit pies	21 CFR 152
(ae) Canned vegetables	21 CFR 155
(af) Vegetable juices	21 CFR 156
(ag) Frozen vegetables	21 CFR 158
(ah) Eggs and egg products	21 CFR 160
(ai) Fish and shellfish	21 CFR 161
(aj) Cacao products	21 CFR 163
(ak) Tree nut and peanut products	21 CFR 164
(al) Nonalcoholic beverages	21 CFR 165
(am) Margarine	21 CFR 166
(an) Sweeteners and table syrups	21 CFR 168
(ao) Food dressing and flavorings	21 CFR 169
(ap) Food additives	21 CFR 170
(aq) Food additive petitions	21 CFR 171
(ar) Food additives permitted for direct addition to food for consumption	21 CFR 172
(as) Secondary direct food additives permitted in food for human consumption	21 CFR 173
(at) Indirect food additives: general	21 CFR 174
(au) Indirect food additives: adhesive coatings and components	21 CFR 175
(av) Indirect food additives: paper and cardboard components	21 CFR 176

- (aw) Indirect food additives: polymers 21 CFR 177
- (ax) Indirect food additives: adjuvants, production aids and sanitizers 21 CFR 178
- (ay) Irradiation in the production, processing and handling of food 21 CFR 179
- (az) Food additives permitted in food on an interim basis or in contact with food pending additional study 21 CFR 180
- (ba) Prior-sanctioned food ingredients 21 CFR 181
- (bb) Substances generally recognized as safe 21 CFR 182
- (bc) Direct food substances generally recognized as safe 21 CFR 184
- (bd) Indirect food substances affirmed as generally recognized as safe 21 CFR 186
- (be) Substances prohibited from use in human food 21 CFR 189
- (bf) Tolerances for pesticides in food administered by the Environmental Protection Agency 21 CFR 193

2. The effective date for the adoption of the later amendments is January 15, 1983.

3. If the department 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 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 more than 25 based on the number of food processing establishments and food service establishments in Montana.

4. The authority of the department to make the proposed rule is based on sections 50-31-104, 50-31-108 and 50-31-201, MCA, and the rule implements sections 50-31-101 through 50-31-104, 50-31-108 through 50-31-111, and 50-31-201 through 50-31-203, MCA.

JOHN J. DRYNAN, M.D., Director

Certified to the Secretary of State December 6, 1982

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

In the matter of the amend-) NOTICE OF PUBLIC HEARING ON
ment of Rules 46.13.401,) THE PROPOSED AMENDMENT OF
46.13.402 and 46.13.403) RULES 46.13.401, 46.13.402
pertaining to the low income) AND 46.13.403 PERTAINING TO
energy assistance program) THE LOW INCOME ENERGY
) ASSISTANCE PROGRAM

TO: All Interested Persons

1. On January 7, 1983, 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 Rules 46.13.401, 46.13.402 and 46.13.403 pertaining to the low income energy assistance program.

2. The rules proposed to be amended provide as follows:

46.13.402 BENEFIT AWARD MATRICES

Subsections (1)(a)(b)(c)(d)(e)(f) and (g) remain the same.

Subsection (2) and the benefit award matrices remain the same except for the following LC District IV and LC District X benefit award matrices:

MAXIMUM BENEFIT AWARD MATRIX FOR
LC DISTRICT IV

Liberty, Hill and Blaine Counties

Type Fuel	1 Bedroom Home			2 Bedroom Home		
	Single Family Unit	Multi-Family Unit	Mobile Home	Single Family Unit	Multi-Family Unit	Mobile Home
Natural Gas	333	214	283	424	274	360
Fuel Oil	840	585	714	1027	719	873
Propane	653	457	555	798	558	678
Electricity	385	269	327 320	470	329	400 358
Coal	198	149	168	248	198	210
Wood	215	143	183	286	215	243

Type Fuel	3 Bedroom Home			4+ Bedroom Home		
	Single Family Unit	Multi-Family Unit	Mobile Home	Single Family Unit	Multi-Family Unit	Mobile Home
Natural Gas	492	321	418	560	369	476
Fuel Oil	1168	817	993	1308	915	1112
Propane	906	635	770	1015	710	863
Electricity	535	374	455 862	600	420	510 965
Coal	297	248	252	347	297	295
Wood	358	286	304	429	358	365

MAXIMUM BENEFIT AWARD MATRIX FOR
LC DISTRICT X

Lincoln, Flathead, Lake
and Sanders Counties

Type Fuel	1 Bedroom Home			2 Bedroom Home		
	Single Family Unit	Multi-Family Unit	Mobile Home	Single Family Unit	Multi-Family Unit	Mobile Home
Natural Gas	314 314	200	267	399 396	256	339
Fuel Oil	773 767	537	657	944 937	656	803
Propane	615 610	427	523	752 746	522	639
Electricity	425 363	254	362	520 472	331	442
Coal	198	149	168	248	198	210
Wood	215	143	183	286	215	243

Type Fuel	3 Bedroom Home			4+ Bedroom Home		
	Single Family Unit	Multi-Family Unit	Mobile Home	Single Family Unit	Multi-Family Unit	Mobile Home
Natural Gas	463 459 1074	301	394	528 523 1203	345	448
Fuel Oil	866 854	746	913	1193 957	835	1022
Propane	848	593	726	949	665	813
Electricity	591	414	502	663	464	562
Coal	297	248	252	347	297	295
Wood	358	286	304	429	358	365

The authority of the department to amend the rule is based on Section 53-2-201, MCA, and the rule implements Section 53-2-201, MCA.

46.13.402 DETERMINING BENEFIT AWARD

Subsection (1) remains the same.

(2) When a household changes residence or type of primary fuel during the heating season, the household may request to have its benefit award recomputed for the new circumstances. The benefit award for the new circumstances will be equal to the benefit award the household would have received had its original application been for the new circumstances ~~times the unused~~ minus the used portion of the original benefit award. ~~divided by the amount of the original benefit award.~~ The unused portion of the original benefit award reverts to the department.

The authority of the department to amend the rule is based on Section 53-2-201, MCA, and the rule implements Section 53-2-201, MCA.

46.13.403 METHOD OF PAYMENT

Subsection (1) through subsection (2) remain the same.

(3) For eligible households that have their energy costs included in their rental payments:

(a) Reimbursement at the rate of ~~1/6~~ 1/7 of the full amount of the benefit award matrix per month not to exceed the household's benefit award will be made by check payable to the household for paid eligible energy costs. Reimbursement will be made by check directly payable to the household and in no more than two installments. Paid eligible energy costs claimed by the household must be supported by rent receipts.

The authority of the department to amend the rule is based on Section 53-2-201, MCA, and the rule implements Section 53-2-201, MCA.

3. The purpose of the proposed rule changes are to simplify the change of resident/fuel type procedure and to correct typographical errors regarding matrix benefit amounts for electricity for mobile home residents in District IV and for District X single family residents natural gas, fuel oil propane, and electricity benefit amounts. In addition, the reimbursement rate described in 46.13.403, Method of Payment, was incorrectly defined as 1/6 instead of 1/7 to reflect the extension from a 6 to a 7 month program.

4. 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 59604, no later than January 17, 1982.

5. 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 December 6, 1982.

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the adoption	)	NOTICE OF THE ADOPTION OF
of rules 2.21.123, 2.21.144	)	RULES 2.21.123, 2.21.144
and 2.21.145; the repeal of	)	and 2.21.145; THE REPEAL
rules 2.21.135 and 2.21.140;	)	OF RULES 2.21.135 AND
and the amendment of rules	)	2.21.140; AND THE
2.21.122, 2.21.132, 2.21.133,	)	AMENDMENT OF RULES
2.21.134, 2.21.137, 2.21.138,	)	2.21.122, 2.21.132,
2.21.141, 2.21.142, 2.21.143,	)	2.21.133, 2.21.134,
and 2.21.155 relating to the	)	2.21.137, 2.21.138,
administration of sick leave	)	2.21.141, 2.21.142,
	)	2.21.143, and 2.21.155
	)	RELATING TO THE
	)	ADMINISTRATION OF SICK
	)	LEAVE

TO: All Interested Persons.

1. On September 16, 1982, the Department of Administration published notice of the proposed adoption of rules 2.21.123, 2.21.144 and 2.21.145; the repeal of rules 2.21.135 and 2.21.140, and the amendment of rules 2.21.122, 2.21.132, 2.21.133, 2.21.134, 2.21.137, 2.21.138, 2.21.141, 2.21.142, 2.21.143, and 2.21.155 relating to the administration of sick leave at page 1635 of the 1982 Montana Administrative Register, issue number 17.

2. These rules actions were proposed to clarify the interpretation, implementation, and administration of sick leave, based on problems identified by the Personnel Division and other agencies since the previous rules were adopted and to bring the rules into compliance with the Pay-roll/Personnel/Position Control System.

3. The rules have been adopted, repealed and amended with the following changes:

2.21.133 ACCRUAL AND USE OF SICK LEAVE CREDITS (1) - (3)
Same as proposed rules.

(4) ~~Leave may not be advanced before the qualifying period is completed nor may leave be taken retroactively. to cover absences which occurred before the qualifying period is completed.~~

(5 - 6) Same as proposed rules.

(7) A seasonal employee's accrued sick leave credits may be:

~~(a)~~ carried over to the next season if management has a continuing need for the employee; or

~~(b)~~ paid out as a lump-sum to the employee when the season ends, in accordance with Rule 2.21.141.

(8 - 9) Same as proposed rules.

(10) Persons simultaneously employed in two or more positions in the same or in different agencies will accrue sick leave credits in each position according to the number

of hours worked. Only hours paid at the regular hourly rate will be counted. Under no circumstances will an employee accrue sick leave credits for more than 40 hours of work in a week.

(11 - 17) Same as proposed rules.

2.21.134 CALCULATION OF SICK LEAVE CREDITS (1 - 3) Same as proposed rules.

(4) Sick leave credits are earned at the end of each bi-weekly pay period. ~~An employee may take~~ These sick leave credits may not be used until at the start of the next bi-weekly pay period.

(5) Same as proposed rule.

2.21.137 SICK LEAVE REQUESTS (1 - 4) Same as proposed rules.

(5) Medical certification of maternity-related ~~disabilities~~ sick leave ~~will~~ may be obtained in the same manner and under the same conditions as certification for other ~~disabilities~~ sick leave.

(6) Same as proposed rule.

2.21.138 SICK LEAVE RECORDS -- EMPLOYEES PAID FROM CENTRAL PAYROLL DIVISION (1) An employee's sick leave credits earned and sick leave credits used must be recorded by the Payroll/Personnel/Position Control System. Agencies not paid through Central Payroll Division must keep their own records.

2.21.141 LUMP SUM PAYMENT UPON TERMINATION (1) When an employee terminates employment with an agency, the employee is entitled to a lump-sum payment cash compensation for unused sick leave credits equal to one-fourth of the compensation the employee would have received if the employee had used the credits, provided the employee has worked the qualifying period.

(2 - 7) Same as proposed rules.

(8) Upon termination from one position where the employee works in more than one agency, the employee ~~shall be cashed-out, as provided in this rule for leave accrued to that position. -- Accrued leave liability shall not be transferred to the position in the other agency.~~ may, at the agency's discretion, transfer leave credits to the remaining position. If the employing agency will not accept the transfer of credits, it is the responsibility of the agency from which the employee is terminating to cash out the employee, as provided in this rule.

(9) Same as proposed rule.

~~(10) Under no circumstances will an employee accrue sick leave credits for more than 40 hours of work in a week~~

2.21.143 ABUSE OF SICK LEAVE (1) Same as proposed rule.

(2) Chronic, consistent, or patterned use of sick leave may be subject to progressive discipline (See the Discipline Handling policy, Title 2, Chapter 21, Sub-chapter 65, ARM.)

4. The following comments were received:

COMMENT: Expand the definition of immediate family to include "significant others" and "siblings."

RESPONSE: Care of any member of the employee's household is allowed currently under the rules. Other agencies oppose expanding the definition to include siblings.

COMMENT: Expand the definition of sick leave to include use for visits to other types of health care providers.

RESPONSE: The definition of sick leave is statutory; however, the definition has been interpreted to allow use of sick leave for services by a variety of health care providers.

COMMENT: Restrict the use of sick leave for funeral attendance to immediate family members only.

RESPONSE: Other agencies want to retain flexibility in this area. Individual agencies may limit use of sick leave for this purpose to the immediate family.

COMMENT: Clarify the definition of jurisdiction for use in dealing with transfers.

RESPONSE: The definition of jurisdiction read in conjunction with the definition of a transfer, which is statutory, is adequate to administer the rules.

COMMENT: Revise Rule 2.21.133 to read, "Leave may not be advanced nor may leave be taken retroactively".

RESPONSE: The department had made this change.

COMMENT: The terms "break in service" and "continuous employment" are confusing when determining completion of the qualifying period.

RESPONSE: Both terms are defined in statute and the qualifying period is specified in statute. The cause for confusion is not explained in the comment.

COMMENT: Rule 2.21.133 should allow the agency discretion to maintain a single leave balance or separate balances when an employee holds more than one position in an agency.

RESPONSE: Separate balances must be maintained to avoid allowing an employee to take leave in a position with a lower grade and/or step from a position with a higher grade and/or step.

COMMENT: In Rule 2.21.133, leave accrual should be based on hours worked and the accrual during leave without pay eliminated.

RESPONSE: The leave without pay requirement is statutory; however, the department is recommending the introduction of legislation which would eliminate this provision.

COMMENT: Place a ceiling on the number of credits which can be earned to reduce an agency's liability for cash out.

RESPONSE: Unlimited accrual is provided by statute and cannot be modified in these rules.

COMMENT: Base accrual rates on hours, rather than "regular schedule" and delete references to "bi-weekly" pay periods.

RESPONSE: No specific benefit to changing to hours is identified by this comment. The references to "bi-weekly" pay periods were added at the request of certain agencies which pay by the month to avoid confusion with the accrual rates for employees paid bi-weekly.

COMMENT: Allow agencies to request a physician's statement after an employee has returned to work.

RESPONSE: It would be difficult for an employee to obtain a physician's statement for an illness for which the employee had not sought a physician's care. This provision is designed to allow an agency which believes it has identified a possible pattern of sick leave abuse on the part of an employee to invoke the rule the next time an employee calls in sick.

COMMENT: Allow agency discretion to decide if it will accept leave credits from an employee who holds positions in two agencies, when the employee terminates from one agency.

RESPONSE: The department has made this change.

COMMENT: Allow employees to choose between the 25% cash out and applying total sick leave credits towards retirement.

RESPONSE: This would require statutory change.

BY Morris L. Brusett
Morris L. Brusett, Director
Department of Administration

Certified to the Secretary of State November 15, 1982.

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

In the matter of the amendments) NOTICE OF AMENDMENT OF ARM
of ARM 8.28.1503 concerning the) 8.28.1503 QUALIFICATIONS OF
qualifications of physician's) PHYSICIAN'S ASSISTANTS; 8.28.
assistants; 8.28.1504 concern-) 1504 APPLICATION; and 8.28.
ing applications for physician's) 1508 TEMPORARY APPROVAL
assistants; and 8.28.1508 con-)
cerning temporary approval of)
physician's assistants.)

TO: All Interested Persons:

1. On October 14, 1982, the Board of Medical Examiners published a notice of amendment of the above stated rules at pages 1812-1813, 1982 Montana Administrative Register, issue number 19.
2. The board has amended the rules exactly as proposed.
3. No comments or testimony were received.

DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF MEDICAL EXAMINERS

In the matter of the amendments) NOTICE OF AMENDMENTS OF ARM
of ARM 8.28.414 concerning) 8.28.414 TEMPORARY CERTIFI-
temporary certificates for) CATES and 8.28.420 FEE
physicians and 8.28.420 con-) SCHEDULE
cerning fees for physicians.)

TO: All Interested Persons:

1. On October 14, 1982, the Board of Medical Examiners published a notice of proposed amendment of the above stated rules at pages 1814-1815, 1982 Montana Administrative Register, issue number 19.
2. The board has amended the rules exactly as proposed.
3. No comments or testimony were received.

DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

In the matter of the amendments) NOTICE OF AMENDMENT OF ARM
of ARM 8.48.903 concerning late) 8.48.903 LATE RENEWAL and
renewals and 8.48.1105 concern-) 8.48.1105 (4) FEE SCHEDULE
ing the fee schedule, subsec-)
tion (4))

TO: All Interested Persons:

1. On October 28, 1982, the Board of Professional Engineers and Land Surveyors published a notice of amendment of the above

stated rules at pages 1885-1886, 1982 Montana Administrative Register, issue number 20.

2. The board has amended the rules exactly as proposed.
3. No comments or testimony were received.

DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF COSMETOLOGISTS

In the matter of the amendments) NOTICE OF AMENDMENTS OF ARM
of ARM 8.14.601 subsection (2),) 8.14.601 APPLICATIONS; 8.14.
(4)(b) concerning applications;) 603 SCHOOL REQUIREMENTS; 8.14.
8.14.603 (2)(b), (11)(a) con-) 606 STUDENT REGISTRATION;
cerning school requirements;) 8.14.608 INSTRUCTOR REQUIRE-
8.14.606 (4), (4)(a), (5)(b), (6)) MENTS - TEACHER-TRAINING UNITS;
(a)(i) concerning student re-) 8.14.805 APPLICATION - OUT-
gistration; 8.14.608 (7) con-) OF-STATE OPERATORS; 8.14.806
cerning instructor requirements) LICENSED WITHOUT EXAMINATION -
for teacher training units; 8.) RECIPROCITY; 8.14.812 DUPLI-
14.805 (9) concerning applica-) CATE LICENSES; 8.14.813 LAPSED
tions for out-of-state opera-) LICENSES; 8.14.814 FEES, GEN-
tors; 8.14.806 (1) concerning) ERAL INITIAL AND ANNUAL RE-
individuals licensed without) NEWAL FEES; 8.14.815 CONTINUED
examination, reciprocity; 8.14.) EDUCATION - INSTRUCTORS; REPEAL
812 (2) concerning duplicate) OF 8.14.811 MANAGER OPERATORS
licenses; 8.14.813 (6) concern-) AND ADOPTION OF A NEW RULE
ing lapsed licenses; 8.14.814) UNDER SUB-CHAPTER 10, 8.14.1010
concerning fees; 8.14.815 (6)) FEE SCHEDULE
concerning continued education)
for instructors; repeal of)
8.14.811 concerning manager)
operators; and proposed adop-)
tion of a new rule under sub-)
chapter 10 which sets out a fee) schedule for electrolysis)

TO: All Interested Persons:

1. On September 30, 1982, the Board of Cosmetologists published a notice of amendments, repeal and adoption of the above stated rules at pages 1715 - 1721, 1982 Montana Administrative Register, issue number 18.

2. The board received comments and/or requests for a hearing on proposed changes of 8.14.601, 8.14.603, 8.14.606, and questioning several of the fees under the fee schedule, 8.14.814. Under rule 8.14.601 the objections were addressed to the limitation of space per student in the schools. The Board also received a letter from the Administrative Code Committee questioning subsection (c) which provided that applicants for a new school must provide signed petitions from the majority

of licensed practitioners to agree to a new school in a specified location. Because of the objections the board is amending the rule as follows: (new matter underlined, deleted matter interlined)

"8.14.601 APPLICATION (1)...

(4)...

(b) a detailed floor plan of the school showing adequate floor space of at least ~~120 square feet per student~~ 1,500 square feet for the first 25 students and 60 square feet for each additional student which may include locker room and office space, with an effective date of 14 months from date of rule adoption.

~~(c)--Applicants must provide signed petitions from the majority of licensed practitioners to agree to a new school in the specified location--~~

(c)..."

Because of concerns expressed, the board is amending 8.14.603 as follows: (new matter underlined, deleted matter interlined)

"8.14.603 SCHOOL REQUIREMENTS (1)...

(a) Students shall not be limited allowed more than to 8 hours per day for the first 300 hours of basic training.

(b) Students shall not be allowed more than 16 hours of overtime per month.

(12) ..."

Subsection (2) (b) has been deleted as proposed, subsection (11) (a) has been changed back to its original content and subsection (b) has been added.

The requests for hearing and/or objections were received from LaNae Glenn, owner LaNaes College of Beauty, students from LaNaes College of Beauty, McRay Evans, owner Mr. Macks Beauty College and Helen Close, owner, Holiday College of Beauty. After explanation by the board to these individuals as to why the rule changes were proposed, including an explanation of the administrative costs relative to the fee increases, and agreement by the board to amend 8.14.601 and 8.14.603 as above shown, all objections and requests for hearing were withdrawn, with one exception. One individual did not respond. However, all of that individual's objections were addressed in the above changes with the exception of the instructor examination fee. One objection is not a sufficient number to warrant a hearing.

All other rules are amended, repealed and adopted as proposed.

3. No other comments or testimony were received.

BY: 

ROBERT J. WOOD, ATTORNEY
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, December 6, 1982.

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF MORTICIANS

In the matter of the amendments) NOTICE OF AMENDMENTS OF ARM
of ARM 8.30.406 concerning) 8.30.406 EXAMINATIONS; 8.30.407
examinations; 8.30.407 concern-) FEE SCHEDULE; 8.30.605 DIS-
ing renewals; 8.30.605 concern-) CLOSURE STATEMENT; REPEAL
ing the disclosure statements;) OF 8.30.410 SUSPENSION AND
repeal of 8.30.410 concerning) REVOCATION; and ADOPTION OF
suspension and revocation; and) NEW RULES UNDER SUB-CHAPTER
adoption of a new sub-chapter 7) 7, RULES OF PROFESSIONAL CON-
concerning rules of professional) DUCT, rules 8.30.701 through
conduct.) 8.30.706

TO: All Interested Persons:

1. On July 29, 1982, August 12, 1982 and September 16, 1982 the Board of Morticians published notices of proposed amendments, repeal and adoption of the above stated rules at pages 1428 - 1439, issue number 14, 1498 issued number 15, and page 1642, issue number 17.

On October 8, 1982, the Board of Morticians held a public hearing at 10:00 a.m. in the auditorium of the Scott Hart Building, 303 Roberts, Helena, Montana to discuss the above-stated rules as well as the amendment to 8.30.602 concerning disclosure of funeral arrangements and proposed adoption of continuing education rules. Approximately 47 people in addition to the board were in attendance at the meeting. The board received written requests for a hearing and/or comments on the proposed rules from approximately 36 individuals. The majority of the comments were addressed to the proposed change in 8.30.602 and the proposed adoption of the continuing education rules. The board also appeared before the Administrative Code Committee on November 18, 1982 to discuss the need for an economic impact statement on those particular sections of the proposed changes. The board at that time agreed to delay adoption of the continuing education rules until further research could be done, as well as changes in the rules made. The board also agreed to try to work on a solution on the proposed amendment of 8.30.602 which would be workable for both the licensees and the board in enforcing its licensing act. The board is therefore not taking action on the amendment of 8.30.602 or the adoption of the continuing education rules at this time.

2. No comments were received at the hearing in regard to 8.30.406. One comment was received by mail regarding the limitation of the national board results to a five year period prior to application. The board feels as it stated in its notice of proposed amendment that it is important that the individual be abreast of current practices, and acceptance of the national board scores should be limited to the five year period prior to applying for licensure in Montana. It was explained that this does not apply to people who qualify for licensure by reciprocity. Therefore 8.30.406 is being amended as proposed.

No comments were received on the proposed amendment of

8.30.407 and is being amended as proposed.

The amendment of 8.30.605 regarding the disclosure statement was not subject of the comments at the hearing or the meeting with the code committee and is being amended as proposed.

Because of comments made at the hearing the board is adopting the rules of professional conduct as proposed with the following changes. (new matter underlined, deleted matter interlined)

"8.30.701 UNPROFESSIONAL CONDUCT (1) ...

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

(i) this does not prohibit funeral homes and mortuaries from publicizing the names of non-licensed employees or staff members when those firms do not misrepresent the capacity under which the non-licensed individuals are employed.

(c)...

(e) employment directly or indirectly of any apprentice, agent, assistant, employee, or other person, on part on full time, or on commission, for the purpose of calling upon individuals or institutions by-whose-influence for solicitation of dead human bodies may-be-turned-over-to for a particular funeral establishment;

(f) the direct or indirect payment or offer of payment of a commission by the licensee, his agent, assistants, or employees for the purpose of securing business for that particular funeral establishment; 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 as a funeral director or mortician;

(h)...

(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 or supervise the final disposition of that body;

~~-(1)--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,-mauseium-or-cemetery;-~~

~~-(m) (1) ..."~~

"8.30.703 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 any 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~~ And if any such kin be found, his or her authority and directions shall govern ~~except in those instances where the deceased made his or her arrangements.~~

(2) ..."

All other rules under professional conduct are being adopted as noticed.

3. No other comments or testimony were received.

BOARD OF MORTICIANS
VERNON VIAL, CHAIRMAN

BY: 

ROBERT J. WOOD, ATTORNEY
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, December 6, 1982.

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE HARD-ROCK MINING IMPACT BOARD

In the matter of the adoption)	NOTICE OF ADOPTION OF THE
of rules relating to the pro-)	RULES GOVERNING PROCEEDINGS
ceedings before the Hard-Rock)	BEFORE THE HARD-ROCK MINING
Mining Impact Board.)	IMPACT BOARD-8.104.101; 201 -
	212; 8.104.301 - 305

TO: All Interested Persons:

1. On October 14, 1982, the Hard-Rock Mining Impact Board published a notice of public hearing on the proposed adoption of rules governing the board's proceedings at pages 1817 through 1822, 1982 Montana Administrative Register, issue number 19.

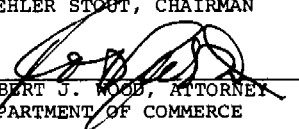
2. The public hearing was held on November 18, 1982, at 9:00 a.m. in the Department of Commerce Conference Room, 1430 9th Avenue, Helena, Montana. Thirteen persons attended the hearing; however, no oral testimony was offered. By written submission representatives of Stillwater and Sweetgrass Counties and the city of Big Timber expressed support for the proposed rules. No written opposition was submitted.

3. The board has adopted the rules exactly as proposed.

4. No comments other than general statements of support were received.

HARD-ROCK MINING IMPACT BOARD
KOEHLER STOUT, CHAIRMAN

BY:


ROBERT J. WOOD, ATTORNEY
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, December 6, 1982.

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

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

TO: All Interested Persons

1. On July 30, 1982, the board published notice of the proposed adoption of rules I through V concerning non-degradation of high quality waters at page 1453 of the 1982 Montana Administrative Register, issue number 14.

2. The board has adopted the rules with the following changes:

RULE I (16.20.701) 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 management or conservation practices have been applied are not considered degradation.

(ii) Temporary 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.

(iii) Changes in surface water quality which occur within a "mixing zone" as defined by ARM 16.20.603(8) 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, December 17, 1982. 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, December 17, 1982.

(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 or conservation 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 (16.20.702) 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 necessary 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 (16.20.703) PERMIT CONDITIONS TO ENSURE NON-DEGRADATION (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 pursuant to this rule, 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~~ December 17, 1982, the baseline for determining the existing quality of the receiving waters with respect to those parameters listed in ARM 16-20-701(1)(a)(i) will be that level of the parameters water quality which would be present from natural and non-point sources and from point sources for which MPDES permits were issued prior to December 17, 1982 in the absence of all new and enlarged point sources upstream from the receiving waters. The level used shall be that level which would exist if the existing upstream source permitted dischargers were discharging at the maximum levels established in its permit allowed in their permits.

(5) With respect to those parameters listed in ARM 16-20-701(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.

(5) (6) The department shall impose conditions in MPDES permits sufficient to ensure that the baseline quality of receiving surface 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.

(6) (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~~ 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 (16.20.704) 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: The department may require that a petition contain such of the following information as is warranted by the potential impacts of a proposed change in water quality and as will allow the board to determine whether the proposed change will preclude present and anticipated use of the affected waters and is justifiable as a result of necessary economic or social development:

- (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~~ showing that 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. The department shall notify the petitioner in writing within 30 days of receipt of a petition either that the petition contains the information the department has required pursuant to subsection (3) and is completed, or if not, which information so required is missing and must be submitted for the petition to be deemed completed.

AUTHORITY: Sec. 75-5-401, MCA

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

RULE V (16.20.705) 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. No later than the next regularly scheduled board meeting after the petition is declared complete the board shall determine whether it will be necessary for the department 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 16.20.604 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 16.20.601 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 environmental impact statement is prepared, the department shall submit its final EIS environmental impact statement to the board no later than 180 days after receipt of the completed petition; the board's decision that an environmental impact statement is required, unless a public hearing on the draft EIS environmental impact statement was held, in which case the deadline may be increased to 240 days.

(b) If no EIS environmental impact statement 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

3. Reasons for some of the more significant changes are as follows:

Rule III(4) and (5) These paragraphs were consolidated for clarity and to avoid redundancy.

Rule IV(3) The new language provides flexibility for the Department to determine what information is required on a petition.

Rule IV(4) In response to comments, this new language imposes a deadline of 30 days within which the Department must determine whether additional information is required on a petition.

Rule V(1), (4) These changes reflect the feeling, expressed by commenters, that it should be the Board, rather than the Department, which determines the need for an environmental impact statement.

4. The following is a summary of the more significant comments and responses:

Rule I(1)(a)

COMMENT: The definition of degradation should be based on beneficial use.

RESPONSE: We do not agree. The statutory definition of "degradation" makes no reference to beneficial use, but is based entirely on changes in water quality.

RULE I(1)(i) and (ii)

COMMENT: The word "worse" should be defined and these two sections should be combined.

RESPONSE: We do not agree. Some water quality standards have absolute limits [those listed in (i)] while others [those listed in (ii)] have relative limits. Thus it is necessary to define degradation differently for the two types. "Worse" is used in a general sense in these definitions because in some cases an increase in concentration is "worse", for toxic substances, while for others, such as dissolved oxygen, either an increase or a decrease in concentration can be "worse".

RULE I(1)(b)(i)

COMMENT: "Best management practices" should be used rather than "reasonable land, soil and water conservation practices".

RESPONSE: We disagree. This language is used because it is consistent with statutory definition and because best management practices are not defined for all cases.

RULE I(3)

COMMENT: The definition of "national resource waters" should include surface waters in state parks, wildlife refuge waters and areas designated as wild and scenic rivers.

RESPONSE: We disagree. Inclusion of those waters would in effect make all waters upstream of them also national resource waters and preclude degradation therein. As an example, including the wild and scenic section of the Missouri River would prohibit degradation in much of the state. We do not feel this is compatible with legislative intent.

RULE I(4)

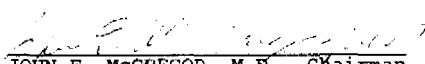
COMMENT: The word "significantly" should be inserted after "discharges".

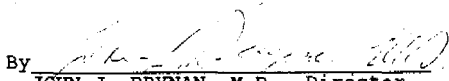
RESPONSE: We disagree. Any increase in excess of that allowed in a permit issued before the effective date of this rule should be considered degradation. This avoids disputes about the meaning of "significant".

RULE I(4)

COMMENT: It should not matter whether a permit was issued before or after the effective date of this rule.

RESPONSE: We disagree. Permits issued before the effective date confer a "right" and we are recognizing this "right". However, all future increases allowed by the department or the board should be done in accordance with these rules.


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 December 6, 1982

BEFORE THE BOARD OF OIL
AND GAS CONSERVATION

In the matter of the amendment	)	NOTICE OF AMENDMENT OF
of Rule 36.22.1012 and 36.1013	)	RULE 36.22.1012 SAMPLES
pertaining to confidentiality	)	OF CORES AND CUTTINGS,
of stratigraphic test hole	)	RULE 36.22.1013 FILING
information and Rule 36.22.1242	)	OF COMPLETION REPORTS,
concerning the due date of	)	WELL LOGS, ANALYSES,
production reports.	)	REPORTS, AND SURVEYS AND
	)	RULE 36.22.1242 REPORTS
	)	BY PRODUCERS

TO: All Interested Persons

1. On October 27, 1982, the Board of Oil and Gas Conservation published Notice of a proposed amendment to ARM 36.22.1012 and 36.22.1013 pertaining to requirements for submitting information, reports and samples on oil and gas wells and stratigraphic test holes to the Board and Rule 36.22.1242 concerning the obligation to file monthly production reports on oil and gas wells to the Board. The notice was published at page 1889 of the 1982 Montana Administrative Register, issue number 20.

2. The Board has adopted the rules as proposed.

3. Requests for a public hearing were received from only two persons. The Board received comments from three persons all of which stated that the period of confidentiality for stratigraphic information was excessively long. Since that is the period set by the statute (Section 82-11-125, MCA), the Board believes those comments are more appropriately addressed to the legislature, which will consider amending said statute at its 1983 session. Because the question presented is a legislative matter, and the proposed rule simply restores the statutory language to the rules of this Board, we believe no useful purpose would be served by holding a public hearing on this question and therefore adopt the rules as proposed without a public hearing.

4. The authority of the Board to make the proposed amendments is based on Section 82-11-111, MCA, and the rules implement Sections 82-11-123 and 82-11-125, MCA.

Richard A. Campbell

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

BY: Dee Rickman

Dee Rickman
Assistant Administrator
Oil and Gas Conservation Division

Certified to the Secretary of State December 6, 1982.

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

IN THE MATTER of Repeal of Rule) NOTICE OF REPEAL OF RULE
38.5.504 Regarding Hearings on) 38.5.504
Interim Utility Rate Increases.)

TO: All Interested Persons

1. On October 28, 1982, the Department of Public Service Regulation published a notice of proposed repeal of Rule 38.5.504, regarding hearings on interim utility rate increases at pages 1892-1893 of the 1982 Montana Administrative Register, issue number 20.
2. The Department of Public Service Regulation has repealed the rule as proposed.
3. No comments or testimony were received.


GORDON E. BOLLINGER, Chairman

CERTIFIED TO THE SECRETARY OF STATE DECEMBER 6, 1982.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

IN THE MATTER OF THE Amend-	)	NOTICE OF AMENDMENT of
ment of Rules 42.6.105,	)	Rules 42.6.105, 42.6.106
42.6.106 and 42.6.108,	)	and 42.6.108, relating to
relating to an increase in	)	an increase in minimum
minimum child support	)	child support contributions.
contributions.)	

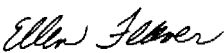
TO: All Interested Persons:

1. On October 28, 1982, the Department of Revenue published notice of the proposed amendment of Rules 42.6.105, 42.6.106 and 42.6.108, relating to an increase in minimum child support contributions at pages 1899 through 1904 of the 1982 Montana Administrative Register, issue number 20.

2. The Department has amended the rules as proposed.

3. No written comments or testimony were received.

4. The authority of the Department to amend the rules is given by 40-5-202, MCA. The rules implement 40-5-214 and 40-5-221, MCA.



ELLEN FEAVER, Director
Department of Revenue

Certified to Secretary of State 12/6/82

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

IN THE MATTER OF THE Amend-	)	NOTICE OF AMENDMENT of
ment of Rule 42.17.131,	)	Rule 42.17.131, relating to
relating to withholding	)	withholding exemptions and
exemptions and the Adoption	)	Adoption of Rule I
of New Rule I (42.17.105),	)	(42.17.105), computation
computation of withholding	)	of withholding tax.
tax.)	

TO: All Interested Persons:

1. On October 28, 1982, the Department of Revenue published notice of a public hearing on the proposed amendment of Rule 42.17.131 relating to withholding exemptions and the proposed adoption of Rule I (42.17.105), computation of withholding tax, at pages 1894 through 1898 of the 1982 Montana Administrative Register, issue number 20. The public hearing was held on November 17, 1982.

2. The Department has amended Rule 42.17.131 as proposed and has adopted Rule I (42.17.105) as proposed.

3. No written comments or testimony were received.

4. The authority of the Department to make the amendment and adopt the rule is given by 15-30-305, MCA. The rules implement 15-30-202, MCA.



ELLEN FEAVER, Director
Department of Revenue

Certified to Secretary of State 12/6/82

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

IN THE MATTER OF THE AMENDMENT	)	NOTICE OF AMENDMENT OF
of Rules 42.21.102, 42.21.104,	)	Rules 42.21.102, 42.21.104,
42.21.106, 42.21.107, 42.21.123,	)	42.21.106, 42.21.107,
and 42.21.131, relating to the	)	42.21.123, and 42.21.131,
valuation of specific kinds of	)	relating to the valuation
personal property.	)	of specific kinds of
		personal property.

TO: All Interested Persons:

1. On September 16, 1982, the Department of Revenue published notice of proposed amendments to the above-referenced rules relating to the valuation of specific kinds of personal property at pages 1669 through 1682 of the 1982 Montana Administrative Register, issue number 17.

2. The Department has amended the above-referenced rules as proposed.

3. No persons submitted written comments regarding the proposed amendments. Moreover, no interested person orally communicated to the Department any comment relating to the proposed amendments.

4. The amendments to the rules revise and change the depreciation schedules for various kinds of personal property. These revised depreciation schedules will serve to insure that personal property is valued at its market value. For that reason, I find that an adequate justification for the adoption has been demonstrated.

5. Authority to make the amendments is found in 15-1-201, MCA. The Rules implement 15-6-135, 15-6-138, 15-6-139, 15-6-140, MCA.



ELLEN PEAVER, Director
Department of Revenue

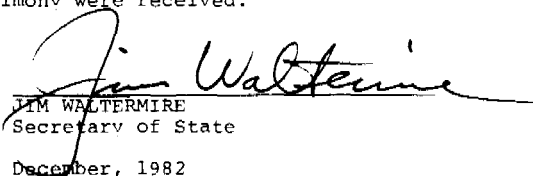
Certified to Secretary of State 12/6/82

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amend-	)	NOTICE OF THE AMENDMENT OF
ment of rule pertaining to	)	RULE 1.2.419 - FILING, COM-
scheduled dates - Montana	)	PILING, PRINTER PICKUP AND
Administrative Register	)	PUBLICATION SCHEDULE FOR THE
		MONTANA ADMINISTRATIVE REGISTER

TO: All Interested Persons:

1. On October 28, 1982, the Secretary of State published notice of a proposed amendment to rule 1.2.419 concerning scheduled dates for the Montana Administrative Register, at page 1932 of the Montana Administrative Register, issue number 20.
2. The agency has amended the rule as proposed.
3. No comments or testimony were received.


JIM WALTERMIRE
Secretary of State

Dated this sixth day of December, 1982

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

In the matter of the adop-	)	NOTICE OF THE ADOPTION OF
tion of Rules 46.11.111,	)	RULES 46.11.111, 46.11.112,
46.11.112, 46.11.114,	)	46.11.114, 46.11.116,
46.11.116, 46.11.120,	)	46.11.120, 46.11.125, AND
46.11.125, and 46.11.128	)	46.11.128 PERTAINING TO THE
pertaining to the food stamp	)	FOOD STAMP PROGRAM
program, pilot projects for)	
retrospective budgeting and)	
monthly reporting)	

TO: All Interested Persons

1. On September 30, 1982, the Department of Social and Rehabilitation Services published notice of the proposed adoption of rules pertaining to the food stamp program, pilot projects for retrospective budgeting and monthly reporting at page 1732 of the Montana Administrative Register, issue number 18.

2. The department has adopted Rules 46.11.112, FOOD STAMPS, PILOT PROJECTS, DEFINITIONS; 46.11.114, FOOD STAMPS, PILOT PROJECTS, INTERVIEW, PURPOSE AND REQUIREMENTS FOR; 46.11.116, FOOD STAMPS, PILOT PROJECTS, DETERMINING ELIGIBILITY FOR BENEFITS; 46.11.120, FOOD STAMPS, PILOT PROJECTS, MONTHLY REPORTING REQUIREMENTS; 46.11.125, FOOD STAMPS, PILOT PROJECTS, DETERMINING BENEFITS; and 46.11.128, FOOD STAMPS, PILOT PROJECTS, CERTIFICATION PERIODS, as proposed.

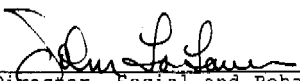
3. The department has adopted Rule 46.11.111 as proposed with the following changes:

46.11.111 FOOD STAMP PROGRAM, PILOT PROJECTS FOR RETRO-
SPECTIVE BUDGETING AND MONTHLY REPORTING, PURPOSE

(1) Federal food stamp regulations require each state to implement a system of monthly reporting and retrospective budgeting (MRRB) by October 1983. The department will **implement** PHASE IN pilot MRRB systems in four (4) counties, Madison, Hill, Ravalli and Valley counties, **STARTING** on December **17**, 1982.

4. No comments or testimony were received. However, the department has made changes to Rule 46.11.111. The department has chosen to phase in the implementation of monthly reporting and retrospective budgeting. The reason for this change is that the department is concerned that an implementation of these new procedures for all households on the same date would cause delays in receiving benefits for many households because of their not fully understanding and complying with the new procedures. This new system is dependent upon public cooperation and understanding. A phased method of

implementation will provide the time for a one-to-one explanation of the new procedures. Beginning December 17, 1982, households will start receiving information on monthly reporting and retrospective budgeting at the time of application and recertification for benefits. Once the new procedures are explained, the household will start to receive monthly reports which must be completed in order to continue to receive benefits.



Director, Social and Rehabilitation Services

Certified to the Secretary of State December 6, 1982.

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 1, 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 September 30, 1982. This table includes those rules adopted during the period October 1, 1982 through December 31, 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 September 30, 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 1982 Montana Administrative Registers.

ADMINISTRATION, Department of, Title 2

I-IX Leave of Absence Without Pay, p. 1622, 2014
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I Creditable Service for Private School Employment,
p. 1565, 2016
2.21.135 and other rules - Sick Leave, p. 1635
2.21.216 and other rules - Annual Vacation Leave, p. 1625
2.21.301 and other rules - Disaster and Emergency Leave, p.
1619, 2013
2.21.401 and other rules - Military Leave, p. 1632, 2012
2.32.101 Uniform Building Code, p. 1862
2.32.102 Uniform Housing Code, p. 1866
2.32.103 Uniform Code for the Abatement of Dangerous
Buildings, p. 1868
2.32.105 Uniform Mechanical Code, p. 1870
2.32.302 Uniform Plumbing Code, p. 1875
2.32.601 and other rule - Enforcement of the Elevator Code,
p. 1881

AGRICULTURE, Department of, Title 4

I-II Storage Contracts and Warehouse Receipts of Bean
Warehousemen, p. 1248
I-XII Food and Fuels Program, p. 1846
4.10.301 and other rules - Aquatic Herbicides, p. 1566A,
1847

COMMERCE, Department of, Title 8

- (Board of Cosmetologists)
8.14.601 and other rules - Applications, School Requirements, Registration, Licenses, Fees, Continuing Education, p. 1715
(Board of Dentistry)
I Professional Conduct, p. 1579, 1986
I-VIII Alternative Disciplinary Action, p. 1987
(State Electrical Board)
8.18.407 Fee Schedule, p. 1722, 2091
(Board of Hearing Aid Dispensers)
8.20.401 and other rules - Traineeship Requirements and Standards - Fees, p. 1990
(Board of Medical Examiners)
8.28.414 and other rule -Temporary Certificates, Fee Schedule, p. 1814
8.28.901 and other rules - Standards for Emergency Medical Technicians, p. 2039
8.28.1503 and other rules - Qualifications of Physician's Assistant, Application, Temporary Approval, p. 1812
(Board of Morticians)
8.30.406 and other rules - Examinations, Renewals, Arrangements, Disclosure Statement, Suspension and Revocation, Continuing Education, Rules of Professional Conduct, p. 1428, 1498, 1642
(Board of Nursing)
8.32.408 and other rules - Temporary Work Permit - Specialty Areas of Nursing, p. 1582, 1816, 1848
(Board of Physical Therapy Examiners)
8.42.402 and other rules -Examinations, Fees , Temporary License - Alternative Disciplinary Action, p. 1995
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