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MONTANA ADMINISTRATIVE REGISTER

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1995 ISSUE NO. 7
APRIL 13, 1995
PAGES 516-554



MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 7

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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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BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

In the matter of the proposed)
amendment of ARM 2.43.432 relating)
to the purchase of additional) NOTICE OF PUBLIC HEARING
service in the retirement)
systems administered by the Board.)

TO: All Interested Persons.

1. On May 8, 1995, at 9:00 am in the Board Meeting Room of the Public Employees' Retirement Division, 1712 Ninth Avenue, Helena, Montana, a public hearing will be held to consider the amendment of ARM 2.43.432, relating to the purchase of additional service in the retirement systems administered by the Board.

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

2.43.432 "1-FOR-5" ADDITIONAL SERVICE (1) Subject to the statutory limitations of each system, a person who became a PERS member prior to July 1, 1989 or a person who is an active member of the sheriffs' retirement system, and member who has 5 or more years of membership service may purchase 1 full year of additional service credit for each 5 full years of service credited in the retirement system. A person member eligible to purchase a full year of additional service may elect to purchase full months of service totalling 11 months or less.

~~(2) The cost of each year of additional service in the PERS will be 13.4% of the compensation earned by the member during the immediately preceding 12 months of PERS membership service. The cost of each full month of PERS additional service will be 1/12 of 13.4% of the compensation earned by the member during the immediately preceding 12 months of membership service.~~

~~(3)(2) The cost of each year of additional service in the Sheriffs' retirement system will be calculated by multiplying the appropriate actuarial cost rate for the member's respective retirement system times the as currently adopted by the board applied to the compensation earned by the member during the immediately preceding 12 months of membership service. The cost of each full month of additional service in the sheriffs' retirement system will be 1/12 of the amount which would be due for cost of purchasing a full year of additional service credit.~~

~~(4)(3) The cost of the purchase may be completed through a paid in one lump sum payment or in by a monthly installment plan, which will include A member choosing the monthly installment plan will be charged interest at the current interest rate currently set by the board and, If making monthly installments, a member may purchase only 1 year of additional service, after After completing an installment purchase payments for that year, he the member may purchase any remaining~~

additional service for which the member is eligible.

(5)(4) ~~PERS service~~ Service purchased under these provisions this rule can must be included in the calculation which determines the amount of a member's benefit, but may not be counted toward initial retirement eligibility or be included in the calculation of an actuarial reduction for a member not eligible for service retirement, except under the provisions of:

(a) ~~PERS~~, but will be used in calculating the amount of the ~~PERS~~ retirement benefit, including any which require additional service to be included when calculating the early retirement reduction, and

(b) the sheriffs' retirement system, which require additional service to be credited for the purpose of meeting retirement eligibility.

(6)(5) A person retired member who was in receipt of a PERS pension on or before July 1, 1989 and who returns to active PERS membership on or after March 13, 1989 is eligible to purchase additional service after he has returned returning to active membership for a period of at least 12 months. The amount of additional service which may be purchased will be based on his the member's total membership service credits in the system subject to any statutory limitations in effect.

(6) PERS members may purchase more than one year of service on a monthly installment plan if the installment contract is initiated prior to July 1, 1995. Monthly payments may be calculated using a term length of up to ten years, but in all cases the term of the installment contract may not exceed one year. If a term length of more than one year is used to calculate the monthly payments, it is the member's responsibility to make arrangements to pay the balance of the installment contract which will be due on July 1, 1996.

AUTH: 19-2-403, MCA

IMP: 19-3-513 and 19-7-311, and MCA, Chapter 180, Laws of 1995

3. The proposed amendment to ARM 2.43.432 is necessary to implement purchase of additional service in Judges', Highway Patrol Officers', Game Wardens', Municipal Police Officers', and Firefighters' Unified Retirement Systems as provided for in Chapter 180, Laws of 1995. The amendment is also necessary to extend to members of the Public Employees' Retirement System the opportunity to purchase those years of additional service for which they are currently eligible at current rates until July 1, 1995, and provide those members with one year to make other arrangements for financing the purchase cost.

4. Interested persons may present their data, views, or arguments, either orally or in writing, concerning the proposed amendment at the hearing. Written data, views or arguments may also be submitted no later than May 12, 1995 to:


Linda King, Administrator
Public Employees' Retirement Division
P.O. Box 200131
Helena, Montana 59620-0131

5. Keith E. McCallum, Administrative Officer for the Public Employees' Retirement Division, has been designated to preside over and conduct the hearing.

By:



Linda King, Administrator
Public Employees' Retirement Division



Dal Smilie, Chief Legal Counsel and
Rule Reviewer

Certified to the Secretary of State on March 27, 1995.

BEFORE THE BOARD OF THE
STATE COMPENSATION INSURANCE FUND
OF THE STATE OF MONTANA

In the matter of the adoption)	NOTICE OF PUBLIC HEARING
of a temporary rule on a)	FOR THE PROPOSED ADOPTION
policy charge and a temporary)	AND AMENDMENT OF TEMPORARY
amendment to minimum yearly)	RULES
premium.)	

TO: All Interested Persons:

1. On May 4, 1995, the State Compensation Insurance Fund will hold a public hearing at 2:00 p.m., in Room 303 of the State Compensation Insurance Fund Building, 5 South Last Chance Gulch, Helena, Montana, to consider the adoption of a temporary rule for a policy charge and a temporary amendment to minimum yearly premium.

2. On May 15, 1995, the Board proposes to adopt a temporary rule on a policy charge and a temporary amendment to minimum yearly premium, adopted pursuant to section 2-4-303(2), MCA. On July 1, 1995, Senate Bill 374 becomes effective. The bill deletes the specific statutory reference on the establishment of a minimum premium. Instead, the Legislature recognized that the setting of a policy charge or a minimum premium or both should be at the discretion of the board of directors and indicated so by expressing that in the statute which provides the intent of the state fund. The rules are necessary to implement a policy charge and minimum premium effective with the rate adjustment on July 1, 1995 and to implement the requirements of section 39-71-2316, MCA.

3. The temporary rules will be effective until October 1, 1995.

4. The proposed temporary rules provide as follows:

RULE I (POLICY CHARGE) (1) The state fund may assess a policy charge on all policies in effect during a fiscal year. The amount of the charge shall be determined annually by the board for the future fiscal year, and may be in addition to any other charge or premium.

(2) The policy charge is included in the minimum premium if the policy charge plus premium is less than the minimum premium established by the board for the fiscal year.

(3) The policy charge includes, but is not limited to, expense components for issuing, maintaining and servicing policies, which are common to all policies regardless of premium size.

AUTH: Sec. 39-71-2315 and 39-71-2316 MCA
IMP: Sec. 39-71-2311 and 39-71-2316 MCA

2.55.326 MINIMUM YEARLY PREMIUM (1) ~~As permitted by 39-71-2316, MCA, the state fund, subject to the approval of the state fund board of directors, may charge a minimum yearly premium to a policy in order to cover its administrative costs the risk of loss for coverage of a small employers.~~

(2) Minimum yearly premium may be derived by establishing a minimum yearly payroll. The minimum yearly premium shall be determined by multiplying the minimum yearly payroll by the rate of the governing classification of the policy. The board may adopt an amount that the minimum yearly premium may not be below, and may adopt an amount that the minimum yearly premium may not exceed.

(3) Minimum yearly premium may be established as a flat dollar amount.

AUTH: Sec. 39-71-2315 and 39-71-2316 MCA

IMP: Sec. 39-71-2311 and 39-71-2316 MCA

5. The rulemaking is being proposed for the following reasons:

The 1995 Legislature in Senate Bill 374 determined that the State Fund Board of Directors should have the discretion to establish a policy charge for State Fund policyholders. This rule implements the policy charge, which is commonly used by other insurance companies. The policy charge will be assessed on all policyholders and will be used to cover the costs common to all policies, such as expenses related to issuing, maintaining and servicing policies. It is intended that the minimum premium include the policy charge if the premium based on actual payroll plus the policy charge is less than the minimum premium established by the board. The policyholder in this situation would pay the minimum premium amount.

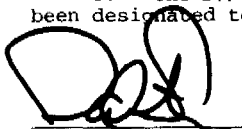
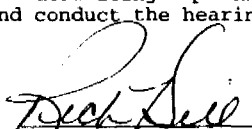
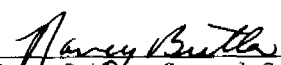
The 1995 Legislature in Senate Bill 374 determined that the State Fund Board of Directors should have the discretion to establish minimum premium for State Fund policyholders. There is a risk of loss with small policyholders that premium alone does not cover. This rule allows the board to set a minimum premium so as to more appropriately assess small policyholders adequate premium. As the insurer of last resort, the state fund also needs to be sensitive to the needs of small employers while maintaining equity among all policyholders. Two methods are provided. One, which is to set a minimum payroll for each policyholder against which the rate of the governing class code will be assessed, subject to minimum and maximum amounts; or secondly, to establish a flat amount of which premium paid cannot be less than the amount established.

6. The State Compensation Insurance Fund makes reasonable accommodations for persons with disabilities who wish to participate in this public hearing. Persons needing accommodations must contact the State Fund, Attn: Ms. Dwan Ford, P.O. Box 4759, Helena, MT 59604; telephone (406) 444-6480; TDD (406) 444-5971; fax (406) 444-6555, no later than 5:00 p.m.,

April 26, 1995, to advise as to the nature of the accommodation needed and to allow adequate time to make arrangements.

7. Interested persons 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 state fund attorney Nancy Butler, Legal Department, State Compensation Insurance Fund, 5 South Last Chance Gulch, Helena, Montana 59604-4759. Comments must be received no later than 5:00 p.m. May 11, 1995. A standard rulemaking proceeding with full public participation will be initiated for the final rules which will include and replace these temporary rules.

8. The State Fund Legal and Underwriting Departments have been designated to preside over and conduct the hearing.


Dal Smilie, Chief Legal Counsel
Rule Reviewer
Rick Hill
Chairman of the Board
Nancy Butler, General Counsel
Rule Reviewer

Certified to the Secretary of State April 3, 1995.

BEFORE THE CLASSIFICATION AND RATING COMMITTEE
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC
amendment of rule 6.6.8301,)	HEARING
concerning updating references to)	
the NCCI Basic Manual for)	
Workers Compensation and Employers)	
Liability Insurance, 1980 ed.)	

TO: All Interested Persons.

1. On May 25, 1995, at 8:30 o'clock a.m., MDT, a public hearing will be held at the Barrister, 416 North Ewing, Helena, Montana. The hearing will be to consider the proposed amendment to rule 6.6.8301 updating references to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance, 1980 ed.

2. The rule, as proposed to be amended, appears as follows (new material is underlined; material to be deleted is interlined):

6.6.8301 ESTABLISHMENT OF CLASSIFICATIONS FOR COMPENSATION PLAN NO. 2 (1) The committee hereby adopts and incorporates by reference the NCCI Basic Manual for Workers* Compensation and Employers Liability Insurance, 1980 ed., as supplemented through August 30, 1994, which establishes classifications with respect to employers electing to be bound by compensation plan No. 2 as provided in Title 39, chapter 71, part 22, Montana Code Annotated. A copy of the Basic Manual for Workers* Compensation and Employers Liability Insurance is available for public inspection at the Office of the Commissioner of Insurance, Room 270, Sam W. Mitchell Building, 126 North Sanders, P. O. Box 200301, Helena, MT 59620-0301. Copies of the Basic Manual for Workers* Compensation and Employers Liability Insurance may be obtained by writing to the Montana Classification and Rating Committee in care of the National Council on Compensation Insurance, Inc., Two Tamarac Square, Suite 613, 7535 East Hampden Ave., Denver, CO 80231. Persons obtaining a copy of the Basic Manual for Workers* Compensation and Employers Liability Insurance must pay the committee's cost of providing such copies.

(2) Remains the same.

AUTH: Sec. 33-16-1012, MCA IMP; Sec. 33-16-1012, 2-4-103, MCA.

3. The proposed amendments are necessary in order to update references to the NCCI Basic Manual for Workers Compensation and Employers Liability. Changes to the NCCI Basic Manual for Workers Compensation and Employers Liability affect classifications for those employers listed below:

Beer or Ale Distributors

July 1, 1995

Purpose: To include salespersons within the classification of the captioned operations

Definition of Location

July 1, 1995

Purpose: To define what constitutes a separate location for purposes of classification assignment

Farm: Sheep or Goat Raising	July 1, 1995
Beet Sugar Manufacturing	July 1, 1995
Cigar Manufacturing	July 1, 1995
Fish Curing	July 1, 1995
Cooperage Stock Manufacturing	July 1, 1995
Cooperage Assembly	July 1, 1995
Enameled Iron Ware Manufacturing	July 1, 1995
Typewriter Manufacturing	July 1, 1995
Explosives or Ammunition Manufacturing	July 1, 1995
Wallpaper Manufacturing	July 1, 1995
Electrotyping	July 1, 1995
Boot or Shoe Manufacturing	July 1, 1995
Aircraft or Helicopter Operations	July 1, 1995
Flying Crew	July 1, 1995

Purpose: To eliminate certain classifications of workers compensation business which are too small to develop meaningful data for ratemaking purposes

Premium Discount Program

July 1, 1995

Purpose: To update the premium discount program which tailors manual premium to reflect equitable expense provisions by size of policy

A-Rate Procedure Elimination

July 1, 1995

Purpose: To manually rate 1 A-rated codes (3821, 3881, 5705, 6260, 7425, 8837) and discontinue 1 code

Automobile Body Repair	August 1, 1995
Bag Mfg--Paper or Plastic	August 1, 1995
Barber Shop, Beauty Parlors	August 1, 1995
Boiler or Steam Pipe Insulating	August 1, 1995
Pallet, Box Manufacturing	August 1, 1995
Confection Machine Manufacturing	August 1, 1995
Clam Digging	August 1, 1995
Creamery or Dairy Routes	August 1, 1995
Farm: Dairy & Drivers	August 1, 1995
Rubber Tire Manufacturing	August 1, 1995
Tree Pruning	August 1, 1995
Architect/Engineering Consulting	August 1, 1995
Atomic Energy Project Work & Exposure	August 1, 1995
Construction or Erection	August 1, 1995

Iron Works - Decorative	August 1, 1995
Precision Machined Parts Mfg.	August 1, 1995
Refrigerator Car Loading or Unloading	August 1, 1995
Sheet Metal Work	August 1, 1995
Stevedoring	August 1, 1995
Containerised Freight & Drivers	August 1, 1995
Trucking--Mail Parcel or Package Delivery	August 1, 1995
Aircraft or Helicopter Operation	August 1, 1995
Cleaning & Renovating Bldg Exteriors	August 1, 1995
Clippings Dealer	August 1, 1995
Club--Shooting	August 1, 1995
Dog Show	August 1, 1995
Exterminator	August 1, 1995
Guniting--Mot Chimneys	August 1, 1995
Horse Shows	August 1, 1995
Household Furnishings/Wearing Apparel Dealer	August 1, 1995
File Driving	August 1, 1995
Shooting Gallery	August 1, 1995
Soapstone Manufacturing	August 1, 1995
Wiping Cloth Dealer	August 1, 1995

Purpose: To add new classification wording or amend the wording of various classifications to facilitate the proper classification of risks, correct inconsistencies in the inclusion or exclusion of drivers in various cross-reference phraseologies under the same class code, and discontinue the requirement in certain classification wordings that the code be authorized by the rating organization before being used.

4. Interested persons 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:

Robert Carlson, Chairperson
Montana Classification and Rating Committee
c/o National Council on Compensation Insurance, Inc.
7535 East Hampden Avenue, Suite 607
Denver, Colorado 80231

Comments must be received no later than May 15, 1995.

5. The classification and rating committee will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing. If you request an accommodation, please contact the classification and rating committee no later than May 15, 1995, and advise the office of the nature of the accommodation needed. Please contact Tim Hughes, Montana Classification and Rating Committee, National Council on Compensation Insurance, Inc., 7535 East Hampden Avenue, Suite 607, Denver, Colorado 80231; tel. (303) 695-8888; fax (303) 755-6498.

6. Robert Carlson has been designated to preside over and conduct the hearing.

By: Robert Carlson
Robert Carlson, Chairperson
Classification and Rating Committee

By: Gary L. Spaeth
GARY L. SPAETH
Rules Reviewer

Certified to the Secretary of State April 3, 1995.

BEFORE THE DEPARTMENT OF
FAMILY SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment) NOTICE OF PROPOSED AMENDMENT
of Rule 11.14.226 pertaining) OF RULE 11.14.226 PERTAINING
to caregivers in day care) TO CAREGIVERS IN DAY CARE
centers for children.) CENTERS FOR CHILDREN

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On May 25, 1995, the Department of Family Services proposes to amend Rule 11.14.226 pertaining to caregivers in day care centers.

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

11.14.226. DAY CARE CENTERS. STAFFING REQUIREMENTS

(1) through (4)(c)(iii) remain the same.

(iv) have been named as a perpetrator in a substantiated report of child abuse or neglect, or been named as perpetrator in a report substantiating abuse or neglect of a person protected under the Montana Elder and Developmentally Disabled Abuse Prevention Act, or of a person protected by a similar law in another jurisdiction.

(4)(d) through (8) remain the same.

AUTH: Section 52-2-704, MCA. IMP: Sections 52-2-702; 52-2-704; 52-2-735, MCA.

3. The department amended 11.14.226 to include most of the text of the requirements imposed on group day care home staff. (1994 MAR, issue no. 7, page 958, and see page 962, comment of Babby McCartney and response.) Previously, the staff requirements in 11.14.301 for group home staff were imposed on center caregivers by reference within 11.14.226 stating that the requirements from 11.14.301 applied to center caregivers. In adding the text from 11.14.301 to 11.14.226, the language underscored in this notice was omitted. To correct this oversight, the language is proposed to be added. The requirements in (4)(c)(iv) in regard to perpetrators of abuse or neglect should be identical to the requirements in 11.14.301(5)(d).

4. Interested persons may submit their data, views or arguments to the proposed amendment in writing to the Office of Legal Affairs, Department of Family Services, 48 North Last Chance Gulch, P.O. Box 8005, Helena, Montana 59604, no later than May 12, 1995.

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

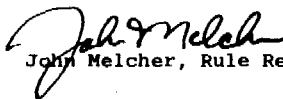
in writing at a public hearing, that person must make a written request for a public hearing and submit such request, along with any written comments, to the Office of Legal Affairs, Department of Family Services, 48 North Last Chance Gulch, P.O. Box 8005, Helena, Montana 59604, no later than May 12, 1995.

6. If the Department of Family Services 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 no less than 25 members who are directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

DEPARTMENT OF FAMILY SERVICES



Hank Hudson, Director



John Melcher, Rule Reviewer

Certified to the Secretary of State, April 3, 1995.

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING
ARM 16.20.608 reclassifying Daisy) FOR PROPOSED AMENDMENT
and Fisher Creeks) OF RULE

(Water Quality)

To: All Interested Persons

1. On May 19, 1995, at 1:00 p.m. or as soon thereafter as it may be heard, the board will hold a public hearing in Room C209 of the Cogswell Building, 1400 Broadway, Helena, Montana, to consider the amendment of the above-captioned rule.

2. The rule, as proposed to be amended, appears as follows (new material is underlined; material to be deleted is interlined):

16.20.608 WATER-USE CLASSIFICATION--YELLOWSTONE RIVER DRAINAGE The water-use classifications adopted for the Yellowstone River are as follows:

(1) Yellowstone River drainage to the Laurel water supply intake except those waters listed in (a) and (b) below B-1

(a) Daisy Creek (a tributary to the Stillwater River) T

(b) Stillwater River from Daisy Creek to the Absaroka Beartooth Wilderness Area. T

(2) Yellowstone River drainage from the Laurel water supply intake to the Billings water supply intake except the tributaries listed in ~~(2)~~(a)-~~(2)~~(c) below B-2

(a) Clarks Fork Yellowstone River drainage from source to the Wyoming state line and from the Wyoming state line to and including Jack Creek near Bridger except the water listed in (i) below B-1

(i) Fisher Creek T

(b) Mainstem of the Clarks Fork River from Jack Creek to the Yellowstone River B-2

(c) Tributaries to the Clarks Fork Yellowstone River from Jack Creek to the Yellowstone River except the portion of West Fork of Rock Creek listed in ~~(2)~~(e)(i) below B-1

(i) Remains the same.

(3) Yellowstone River drainage from the Billings water supply intake to the North Dakota state line and including the Big Horn River drainage except the waters listed in ~~(3)~~(a)-~~(3)~~(f) below C-3

(a)-(f) Remain the same.

(4) Yellowstone River drainage from Big Horn River to North Dakota boundary except waters listed in (4)(a)-(4)(d) below C-3

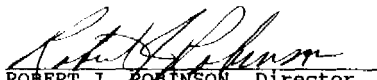
(a)-(d) Remain the same.

AUTH: 75-5-201, 75-5-301, MCA; IMP: 75-5-301, MCA

3. The board is proposing this amendment in response to a petition to re-classify Fisher Creek, portions of Daisy Creek, and a segment of the Clarks Forks River from the B-1 Classification to the T Classification as required by Section 75-5-301, MCA. This amendment is necessary because these streams do not support the designated uses under B-1 and must be re-classified, pursuant to Section 75-5-301(1), according to their present and anticipated most beneficial use.

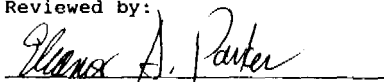
4. Interested persons may submit their data, views, or arguments concerning the proposed amendment, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Yolanda Fitzsimmons, Department of Health and Environmental Sciences, Cogswell Building, PO Box 200901, Helena, MT 59620-0901, no later than May 19, 1995.

5. Will Hutchison has been designated to preside over and conduct the hearing.


ROBERT J. ROBINSON, Director

Certified to the Secretary of State April 3, 1995.

Reviewed by:


Eleanor Parker, DHES Attorney

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

In the matter of the repeal of)	NOTICE OF PUBLIC HEARING
ARM 16.20.612 regarding water use)	FOR PROPOSED REPEAL
classifications on Indian)	OF RULE
reservations)	

(Water Quality)

To: All Interested Persons

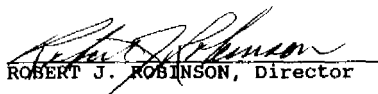
1. On May 19, 1995, at 8:00 a.m. or as soon thereafter as it may be heard, the board will hold a public hearing in Room C209 of the Cogswell Building, 1400 Broadway, Helena, Montana, to consider the repeal of the above-captioned rule.

2. ARM 16.20.612, as proposed to be repealed, appears at page 16-945 of the Administrative Rules of Montana.
AUTH: 75-5-201, 75-5-301, MCA; IMP: 75-5-301, MCA

3. The board is proposing the repeal of this rule, which leaves waters within Indian reservations unclassified, in order to provide for the classification of all waters within Montana pursuant to Section 75-5-301, MCA. Repeal of this rule is necessary in order to protect the beneficial uses of streams located within Indian reservations located in Montana where no water use classifications have been adopted.

4. Interested persons may submit their data, views, or arguments concerning the proposed repeal, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Yolanda Fitzsimmons, Department of Health and Environmental Sciences, Cogswell Building, PO Box 200901, Helena, MT 59620-0901, no later than May 19, 1995.

5. Will Hutchison has been designated to preside over and conduct the hearing.


ROBERT J. ROBINSON, Director

Certified to the Secretary of State April 3, 1995.

Reviewed by:


Eleanor Parker, DHES Attorney

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING
ARM 16.20.712 regarding criteria) FOR PROPOSED AMENDMENT
for determining nonsignificant) OF RULE
changes in water quality)

(Water Quality)

To: All Interested Persons

1. On May 19, 1995, at 8:00 a.m. or as soon thereafter as it may be heard, the board will hold a public hearing in Room C209 of the Cogswell Building, 1400 Broadway, Helena, Montana, to consider the amendment of the above-captioned rule.

2. The rule, as proposed to be amended, appears as follows (new material is underlined; material to be deleted is interlined):

16.20.712 CRITERIA FOR DETERMINING NONSIGNIFICANT CHANGES IN WATER QUALITY (1) The following criteria will be used to determine whether certain activities or classes of activities will result in nonsignificant changes in existing water quality due to their low potential to affect human health or the environment. These criteria consider the quantity and strength of the pollutant, the length of time the changes will occur, and the character of the pollutant. Except as provided in (2) below, changes in existing surface or ground water quality resulting from the activities that meet all the criteria listed below are nonsignificant, and are not required to undergo review under 75-5-303, MCA:

(a)-(c) Remain the same.

(d) changes in the concentration of nitrogen in ground water which will not impair existing or anticipated beneficial uses, where:

(i)-(ii) Remain the same.

(iii) the change will not result in increases greater than 0.01 milligrams per liter in the nitrogen concentration in any surface water the resulting nitrogen concentration in surface water outside of a mixing zone designated by the department does not exceed 15% of the lowest applicable standard.

Table I. Remains the same.

(e)-(g) Remain the same.

(2)-(3) Remain the same.

AUTH: 75-5-301, 75-5-303, MCA; IMP: 75-5-303, MCA

3. The board is proposing this amendment to the rule in order to eliminate an inconsistency between nonsignificant discharges of nitrogen to surface waters established by 16.20.712(1)(c) and nonsignificant discharges of nitrogen to

groundwaters established by 16.20.712(1)(d)(iii). The current rules allow a greater concentration of nitrogen to be discharged directly to surface waters and be considered nonsignificant than allowed for discharges of nitrogen to groundwater that are hydrologically connected to surface waters. The amendment is necessary to eliminate the discrepancy by allowing indirect discharges of nitrogen to surface waters through the groundwater be considered nonsignificant at the same concentration of nitrogen as provided for direct discharges to surface waters.

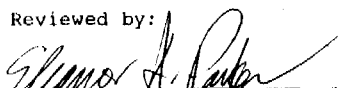
4. Interested persons may submit their data, views, or arguments concerning the proposed amendment, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Yolanda Fitzsimmons, Department of Health and Environmental Sciences, Cogswell Building, PO Box 200901, Helena, MT 59620-0901, no later than May 19, 1995.

5. Will Hutchison has been designated to preside over and conduct the hearing.


ROBERT J. ROBINSON, Director

Certified to the Secretary of State April 3, 1995.

Reviewed by:


Eleanor Parker, DHES Attorney

BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

In the matter of the repeal of ARM)
2.43.612, 2.43.613, and 2.43.614)
pertaining to eligibility for and) NOTICE OF REPEAL
calculation of annual benefit)
adjustments for Montana residents)
and annual certification of)
benefits paid by local pension)
plans.)

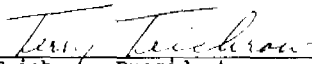
TO: All Interested Persons.


1. On February 9, 1995, the Public Employees' Retirement Board published notice proposing to repeal ARM 2.43.612, 2.43.613, and 2.43.614 at p. 150 of the Montana Administrative Register, Issue No. 3.

2. No written or oral comments were received from any interested party.

3. On March 23, 1995, the Public Employees' Retirement Board repealed ARM 2.43.612, 2.43.613, and 2.43.614 as noticed.

By:


Terry Teichrow, President
Public Employees' Retirement Board


Dai Smilie, Chief Legal Counsel and
Rule Reviewer

Certified to the Secretary of State on March 27, 1995.

BEFORE THE MILK CONTROL BUREAU
OF THE STATE OF MONTANA

In the matter of amendment)
of rule 8.79.301 relating)
to assessments)
) DOCKET #21-95

TO: ALL LICENSEES UNDER THE MONTANA MILK CONTROL ACT
(SECTION 81-23-101, MCA, AND FOLLOWING), AND ALL INTERESTED
PERSONS:

1. On March 30, 1995, the board of milk control published a notice at page 469 of the 1995 Montana Administrative Register, Issue No. 6, of the amendment of the above-captioned rule, which is regarding licensee assessments, and has an effective date of July 1, 1995.

2. The original notice of proposed amendment inadvertently left out part of text already in existence and added text that was not intended to be part of the notice. The corrected rule amendment reads as follows: (text of rule with matter to be omitted interlined and existing text in caps)

"8.79.301 LICENSEE ASSESSMENTS (1) Same as original rule.

(a) Same as proposed.

(b) A fee of six cents (\$0.06) per hundredweight on the total volume of all milk subject to the Milk Control Act ~~produced and sold~~ IN THIS STATE by a distributor home based in another state. Said fee is to be paid either by the foreign distributor or his jobber who imports such milk for sale within this state.

(c)-(d) Same as proposed."

AUTH: 81-23-104, 81-23-202, MCA

IMP: 81-23-202, MCA

MONTANA DEPARTMENT OF COMMERCE

By: 
Andy J. Poole, Deputy Director
Montana Department of Commerce

By: 
Annie Bartos, Rule Reviewer
Commerce Chief Legal Counsel 2-4-110

Certified to the Secretary of State April 3, 1995.

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

In the matter of the amendment)	NOTICE OF AMENDMENT
of rules 16.8.401, 16.8.403 and)	OF RULES AND ADOPTION
16.8.404, regarding emergency)	OF NEW RULE
procedures, 16.8.807, regarding)	
ambient air monitoring,)	
16.8.1001-16.8.1003, 16.8.1006)	
and 16.8.1008, regarding)	
visibility impact assessment,)	
16.8.1102, 16.8.1107 and)	
16.8.1119, regarding precon-)	
struction permits, 16.8.1204 and)	
16.8.1206, regarding stack)	
heights and dispersion tech-)	
niques, 16.8.1302 and 16.8.1307,)	
regarding open burning,)	
16.8.1803 and 16.8.1804, regard-)	
ing preconstruction permits for)	
major stationary sources or)	
major modifications located)	
within attainment or unclassi-)	
fied areas, 16.8.1903 and)	
16.8.1905, regarding operating)	
and permit application fees,)	
16.8.2002-16.8.2004, 16.8.2113)	
<u>16.8.2011</u> , 16.8.2021 and)	
16.8.2025, regarding operating)	
permits, and the adoption of)	
new rule I, regarding acid rain)	
permits.)	

(Air Quality)

To: All Interested Persons

1. On December 8, 1994, the board published notice of the above proposed amendment of existing rules and adoption of a new rule at page 3070 of the Montana Administrative Register, Issue No. 23.

2. The board has amended and adopted the rules as proposed with the following changes (new material in existing rules is underlined; material to be deleted is interlined):

16.8.403. NOTICE OF HEARING--SERVICE (1) Notice of hearing must be given to the alleged violator concurrently with the order to reduce or discontinue immediately the emission of air contaminants. The elements of the notice must be essentially the same as those given under ARM ~~17.3.213~~ 17.3.212 with the following particular changes:

(a)-(c) Same as proposed.

16.8.1204. DEFINITIONS For the purposes of this subchapter, the following definitions apply:

(1)-(3) Same as proposed.

(4) "Excessive concentration" as used in (2)(c) of this rule means:

(a) Same as proposed.

(b) For sources seeking credit after October 1, 1983, for increases in existing stack heights up to the heights established under (2)(b) of this rule, either:

(i) a maximum ground-level concentration due in whole or in part to downwash, wakes or eddy effects as provided in (4)(a) of this rule, except that the emission rate specified by any applicable state implementation plan (or, in the absence of such a limit, the actual emission rate as defined in ARM 16.8.945(1)(b)) will be used, or

(ii) Same as proposed.

(c) Same as proposed.

16.8.1903 AIR QUALITY OPERATION FEES (1) Same as proposed.

(2)(a)-(b) Same as proposed.

(c) If an owner or operator assessed an air quality operation fee fails to pay the required fee (or any required portion of an appealed fee) within 90 days after the due date of the fee, the department may impose an additional assessment of 15% of the fee (or any required portion of an appealed fee) or \$100, whichever is greater, plus interest on the fee (or any required portion of an appealed fee) computed at the interest rate established under 15-31-510(3), MCA.

(3)-(5) Same as proposed.

16.8.1905 AIR QUALITY PERMIT APPLICATION FEES

(1)-(4) Same as proposed.

(5) The fee is the greater of:

(a) Same as proposed.

(b) or a minimum fee of:

(i) \$1000 for sources of air contaminants subject to ARM ~~16.8.901~~ 16.8.945, et seq. (Prevention of Significant Deterioration of Air Quality), or those sources of air contaminants which are major stationary sources or major modifications [as defined in ARM 16.8.945(20) and (22)], and are seeking to locate within an area which is designated as nonattainment in 40 CFR 81.327 [adopted by incorporation in ARM 16.8.1702(2)(a)] for any air contaminant;

(ii) and (iii) Same as proposed.

16.8.2004 AIR QUALITY OPERATING PERMIT PROGRAM APPLICABILITY (1)-(2) Same as proposed.

(3)(a)-(c) Same as proposed.

(d) The In order to exempt a source from the requirement to obtain an air quality operating permit, the department may, at a source's request, issue an air quality preconstruction permit to establish federally enforceable permit terms, solely to limit a source's potential to emit, even if there is no associated construction at the source, the source has an air quality preconstruction permit or the source otherwise is not

required to obtain a preconstruction permit.

(4)-(7) Same as proposed.

16.8.2021 ADDITIONAL REQUIREMENTS FOR SIGNIFICANT AIR QUALITY OPERATING PERMIT MODIFICATIONS (1)(a)-(b) Same as proposed.

(c) every relaxation of permit reporting or recordkeeping terms or conditions which limits the department's ability to determine compliance with any applicable rule, consistent with the requirements of the rule; or

(d) Same as proposed.

(2)-(4) Same as proposed.

16.8.2025 PERMIT REVIEW BY THE ADMINISTRATOR AND AFFECTED STATES (1)-(3) Same as proposed.

(4) The department shall give notice of each draft air quality operating permit to any affected state on or before the time that the department provides this notice to the public under ARM 16.8.2024, except to the extent ARM 16.8.2020(4) or (8) requires the timing of the notice to be different. The department shall also give notice to any affected state of any appeal of an operating permit to the board, on or before the time date that the department provides this notice to the public.

(5)-(10) Same as proposed.

(11) If the administrator objects to the air quality operating permit as a result of a petition filed under (9) above, the department shall not issue the permit until the administrator's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to the administrator's objection. If the department has issued a permit prior to receipt of the administrator's objection under this section, and the administrator modifies, terminates or revokes and re-issues the permit consistent with the procedures in ARM 16.8.2023, the department may thereafter issue only a revised permit that satisfies the administrator's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application. The permit shield described in ARM 16.8.2012(1) shall remain in effect ~~during any appeal of the administrator's objection until such time as a final action permit is taken issued.~~

(12) If, after an appeal, the board directs the department to issue an air quality operating permit that differs from the proposed permit previously forwarded to the administrator for review, and the administrator objects to issuance of the permit, the department shall not issue the a permit until the administrator's objection has been resolved. ~~The department may thereafter issue only a revised permit that satisfies the administrator's objection.~~ Until final resolution, the source will not be in violation of the requirement to submit a timely and complete application. The permit shield described in ARM 16.8.2012(1) will remain in effect

~~during any judicial appeal of the administrator's objection until such time as a final permit action is taken issued. The permit issuance and appeal requirements of ARM 16.8.2008(2)(j) shall apply.~~

(13) Same as proposed.

RULE 1 (16.8.2026) ACID RAIN--PERMITS REGULATION

(1) Same as proposed.

(2) Any source that is subject to the requirements of 40 CFR Part 72 shall comply with all applicable requirements of 40 CFR Parts 72, and 75, ~~and 76~~ in obtaining an operating permit under this subchapter.

3. The board received comments from Browning-Ferris Industries (BFI) and the U.S. Environmental Protection Agency (EPA). A summary of those comments and the board's responses follows:

COMMENT: BFI commented that the rules should be revised to exempt minor sources, such as non-automotive paint booths, from the requirement to obtain an operating permit. BFI suggested that this could be done by either establishing an exemption based upon the gallons of paint used per year or based upon an alternative limit on the gallons of paint used or actual emissions. BFI commented that this would be preferable to any permit requirement, including a synthetic minor permit or a general permit.

RESPONSE: The department intends to suggest future rulemaking, to pursue additional means of providing federally enforceable limits on certain emission sources to exempt them from Title V operating permit requirements. However, BFI has the right to petition the board for further rulemaking.

COMMENT: EPA commented that the reference in ARM 16.8.1204 to ARM 16.8.945(1) should be amended to refer specifically to ARM 16.8.945(1)(b), to clarify that other subsections of ARM 16.8.945(1), defining "actual emissions" as including allowable emissions, do not apply to a determination of stack height credit.

EPA commented that, if the department needs the proposed new language in ARM 16.8.2004(3)(d) for authority to issue a preconstruction permit to create federally enforceable limits when there is no construction, the state should also amend the state's preconstruction permit rules to add similar language to those rules and the state must submit the rules to EPA as a revision to the State Implementation Plan. EPA commented that the state must also assure that there is public notice and an opportunity for comment on applications for preconstruction permits.

EPA commented that, if the state amends ARM 16.8.2021(1)(c) to clarify that a relaxation of permit reporting or recordkeeping conditions is a significant modification only if the relaxation limits the department's ability to de-

termine compliance, the state should expand the language to read "compliance with all emission limitations and standards."

EPA also recommended that the state delete or modify the references to a permit shield in ARM 16.8.2025(11) and (12) to be consistent with language in the federal Clean Air Act providing that an objection to a permit is not subject to judicial review until the administrator of EPA takes final action to issue or deny a permit and to clarify that a permit shield exists only when a person has timely filed a complete application for renewal of a permit.

RESPONSE: The board responded to EPA's first comment by amending ARM 16.8.1204(4)(b)(i) to include specific reference to ARM 16.8.945(1)(b). EPA's second comment is beyond the scope of the notice of proposed rulemaking published in this proceeding. In response to EPA's third comment, the board amended ARM 16.8.2021 to clarify that a relaxation of permit reporting or recordkeeping conditions is a significant modification only if the relaxation limits the department's ability to determine compliance with any applicable rule, consistent with the requirements of the rule. In response to EPA's fourth comment, the board amended ARM 16.8.2025(11) and (12) to delete the reference to a permit shield during a judicial appeal from a permit decision of the administrator of EPA. The board also added language to ARM 16.8.2025(12) to clarify that the permit issuance and appeal requirements of ARM 16.8.2008(2)(j) apply when the administrator of EPA objects to a permit that the board has directed the department to issue after an appeal.

4. In response to further amendments proposed by the department at the hearing, the board also made the following amendments to the rules:

The board amended ARM 16.8.403(1) to correct the citation to the contested case notice requirements of ARM 1.3.212. The board amended ARM 16.8.1903(2)(c) to clarify that, if a person appeals an air quality operation fee, and then fails to pay the fee required after the appeal, any penalty and interest will be assessed on only the portion that is required to be paid after the appeal. The board amended ARM 16.8.1905 to update a reference to ARM 16.8.901, et seq., which has been repealed and superseded by ARM 16.8.945, et seq. The board amended ARM 16.8.2004 to clarify that the purpose of issuing a preconstruction permit when there is no construction is to establish federally enforceable limits that exempt the facility from the requirement to obtain an operating permit, and to clarify that such a permit may be issued only at the source's request.

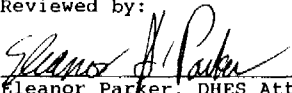
5. The caption of the notice of proposed rulemaking incorrectly referred to amendment of ARM 16.8.2113. There is no ARM 16.8.2113 and the correct reference to ARM 16.8.2013 is noted in the caption of this final notice.

RAYMOND W. GUSTAFSON, Chairman
BOARD OF HEALTH AND
ENVIRONMENTAL SCIENCES

by 
ROBERT J. ROBINSON, Director

Certified to the Secretary of State April 3, 1995.

Reviewed by:


Eleanor Parker, DHES Attorney

BEFORE THE MONTANA DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

In the matter of amending)
Rule 36.14.502 pertaining) NOTICE OF
to interim minimum spillway) AMENDMENT TO RULE 36.14.502
capacities on high-hazard)
dams)

TO: All Interested Persons

1. On January 12, 1995, the Department of Natural Resources and Conservation published notice of the proposed amendment to rule 36.14.502 concerning interim minimum spillway capacities on high-hazard dams, at pages 16-17 of the 1995 Montana Administrative Register, issue number 1.

2. The agency has adopted the amendment to Rule 36.14.502 with the following changes:

36.14.502 HYDROLOGIC STANDARDS FOR EMERGENCY AND PRINCIPAL SPILLWAYS Sections (1) through (5) and Table A remain the same.

(6) The above spillway inflow design flood capacity requirements in Table A are held in abeyance for an interim period ending on December 31, 1997 for existing high-hazard dams. In the interim a minimum spillway hydraulic capacity shall be not less than actual design capacity of the spillway and not less than the flow from the 500-year inflow routed through to the reservoir with a peak flow computed using the appropriate regional flood-frequency regression equation in U.S. Geological Survey Water Resources Investigative Report 92-4048 or subsequent versions thereof or reasonable existing flow data.

AUTH: 85-15-110 MCA

IMP: 85-15-210 through 213 MCA

COMMENT: At the public hearing, representatives of the State Projects Bureau which owns and operates several state owned dams suggested (1) that the proposed rule allow the use of actual flow data, when it is available, and not be tied to the regression equation; (2) that the rule should be clarified to specify if the minimum spillway capacity is the flow through the spillway once routed through the reservoir or the inflow itself; and (3) allow enough time after December 1, 1997 to upgrade spillways to the then required spillway capacity.

RESPONSE: In response to each point raised: (1) The rule is clarified to include a consideration of actual flow data.

(2) The minimum spillway capacity intended by this rule is the flow capacity of the spillway necessary once the 500-year inflow for the drainage basin above the reservoir is routed through the reservoir. Additional wording is added to clarify the issue.

(3) The date of December 1, 1997 may be extended by rule if necessary later. Also, a consideration of the appropriate deadline for existing dams to meet any new future adopted spillway capacity requirements ought to be made then and not now. The degree of modification to existing high-hazard dam spillways will be known only if and when the revised minimum spillway standards based on risk are specified.

COMMENT: The public works director, representing of the City of Columbia Falls, submitted written comments. The letter explains that the real major decisive issue is not which recurrence storm should be used for the inflow design standard, but what is the downstream risk rating for a specific dam. The emphasis is on better storm data and not on risk analysis of specific dams. The current standards are too conservative.

RESPONSE: Yes, the issue to come is the selection of the appropriate and reasonable risk standards for dams. Part of the analysis is to determine the range of and recurrence values for extreme storms of record. The department is also considering the appropriate values of risk reasonably allowable below a dam. Once a standard is established for the risk and the spillway capacity risk standard selected, the appropriate storm frequency and runoff calculation can be done. The proposed rule is to hold the status quo for existing spillways on high hazard dams until a risk standard is established by a later rule.

COMMENT: An engineer and representative of ESA Consultants is concerned that sometimes confusion arises between the recurrence frequency of the flood flow and the recurrence frequency of the precipitation event. The recurrence frequency of the precipitation event is not the same as the recurrence frequency of the flood flow at any particular point in a drainage basin. Since it is the flow at the dam site which has the potential to cause damage or failure of the dam, it is appropriate that the standard of safety is the recurrence frequency of the flow as proposed in Rule 36.14.502. The firm supports the evaluation of the methodology of examining historical data and the establishment of meaningful recurrence frequencies for floods. This sort of technique has been used for decades in earthquake design. An alternative to the current PMF-series flood methodology for establishing dam safety standards is supported especially for the Rocky Mountains. The Division is taking a reasonable, scientifically valid and appropriate course in regard to hydrologic safety in Montana.

RESPONSE: The Department agrees.

BY: Mark A. Simonich
MARK A. SIMONICH
DIRECTOR

BY: Donald D. MacIntyre
DONALD D. MACINTYRE
RULE REVIEWER

Certified to Secretary of State March 31, 1995.

NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

The Administrative Code Committee reviews all proposals for adoption of new rules, amendment or repeal of existing rules filed with the Secretary of State, except rules proposed by the Department of Revenue. Proposals of the Department of Revenue are reviewed by the Revenue Oversight Committee.

The Administrative Code 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 bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt or amend 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 the 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

Definitions: Administrative Rules of Montana (ARM) is a looseleaf 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 statutes 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 ARM topical index.
Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute
Number and
Department | 2. Go to cross reference table at end of each title which lists MCA section numbers and corresponding ARM rule numbers. |

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 Administrative Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 1994. This table includes those rules adopted during the period January 1, 1995 through March 31, 1995 and any proposed rule action that was 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 December 31, 1994, 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 1994 and 1995 Montana Administrative Register.

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- 2.44.518 and other rules - Independent Contractor - Limit on Earned Compensation - Lump Sum Payments at the End of the School Term, p. 3057, 349

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- I and other rules - Optional Deductible Plans - Retrospective Rating Plans - Premium Rates, p. 2690, 2881, 3084, 18, 109
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- 6.6.3505 and other rules - Annual Audited Reports - Establishing Accounting Practices and Procedures to be Used in Annual Statements in Order to Comply with Accreditation Requirements, p. 157, 455
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(Classification and Rating Committee)

- 6.6.8301 Updating References to the NCCI Basic Manual for Workers' Compensation and Employers' Liability Insurance, 1980 Ed., as Supplemented through July 1, 1995, p. 245
- 6.6.8301 Updating References to the NCCI Basic Manual for Workers' Compensation and Employers' Liability Insurance, 1980 Ed., as Supplemented through August 30, 1994, p. 2570, 351

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- 8.30.404 and other rules - Reciprocity - Fees - Definitions - Continuing Education - Sponsors - Standards for Approval - Prior Approval of Activities - Post Approval of Activities - Review of Programs - Hearings - Attendance Record Report - Disability or Illness - Hardship Exception and Other Exceptions - Crematory Operators and Technicians, p. 322

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