

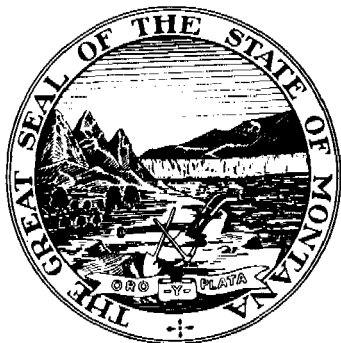
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**MONTANA
ADMINISTRATIVE
REGISTER**

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1997 ISSUE NO. 8
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PAGES 664-740



MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 8

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 The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

Page Number

TABLE OF CONTENTS

NOTICE SECTION

STATE AUDITOR, Title 6

6-89 (Classification Review Committee) Notice of Public Hearing on Proposed Amendment - Updating References to the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance, 1996 ed. 664-666

COMMERCE, Department of, Title 8

8-39-14 (Board of Outfitters) Amended Notice of Proposed Amendment - Licensure - Inactive - Licensure--Fees for Outfitter, Operations Plan and Guide or Professional Guide. No Public Hearing Contemplated. 667-668

FISH, WILDLIFE, AND PARKS, Department of, Title 12

12-2-238 (Fish, Wildlife, and Parks Commission) Notice of Public Hearing on Proposed Amendment - Restriction of Motor-propelled Water Craft on Hauser Reservoir. 669-670

ENVIRONMENTAL QUALITY, Department of, Title 17

17-044 (Solid Waste Management) Notice of Public Hearing on Proposed Amendment and Adoption - Conform With EPA Flexibility - Allow Reduced Regulatory Requirements for Certain Wastes. 671-678

Page Number

TRANSPORTATION, Department of, Title 18

18-83 Notice of Proposed Amendment - Motorist
Information Signs. No Public Hearing Contemplated. 679-685

LABOR AND INDUSTRY, Department of, Title 24

24-29-101 Notice of Additional Public Hearing on
Proposed Adoption - Workers' Compensation
Administrative Assessment. 686-687

RULE SECTION

STATE AUDITOR, Title 6

AMD Valuation of Securities. 688

ENVIRONMENTAL QUALITY, Department of, Title 17

AMD (Solid Waste Management) Class II Landfill
Requirements. 689-691

LABOR AND INDUSTRY, Department of, Title 24

AMD Occupational Safety and Health Standards for
Public Sector Employment. 692

INTERPRETATION SECTION

Opinions of the Attorney General.

1 Audit - Audit Fees owed by Montana Higher
Education Student Assistance Corporation -
Bonds - Education, Higher. 693-697

SPECIAL NOTICE AND TABLE SECTION

Functions of the Administrative Code Committee. 698
How to Use ARM and MAR. 699
Accumulative Table. 700-709
Boards and Councils Appointees. 710-716
Vacancies on Boards and Councils. 717-740

BEFORE THE CLASSIFICATION REVIEW COMMITTEE
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC
amendment of rule 6.6.8301,)	HEARING ON PROPOSED
concerning updating references to)	AMENDMENT
the NCCI Basic Manual for Workers)	
Compensation and Employers)	
Liability Insurance, 1996 ed.)	

TO: All Interested Persons.

1. On February 24, 1997, the classification review committee published a notice of proposed amendment to rule 6.6.8301 concerning updating references to the NCCI Basic Manual for Workers Compensation and Employers Liability. The notice was published at page 369, of the 1997 Montana Administrative Register, issue number 4. The notice of proposed agency action is amended because persons affected by the proposed amendment requested a public hearing. The proposed amendment updates references to the NCCI Basic Manual to incorporate changes that affect classifications for employees described in the notice of February 24, 1997, and additional classifications described below. The proposed amendment to the supplement date changes the date to reflect the newest version of the Manual.

2. On June 5, 1997, at 9:30 a.m., a public hearing will be held at the Jorgensen's Motel, 1714 11th Avenue, Helena, Montana, to consider the amendment of rule 6.6.8301 updating references to the NCCI Basic Manual for Workers Compensation and Employers Liability, 1996 edition.

3. 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 CLASSIFICATION 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, 1996 ed., as supplemented through ~~October 11, 1996~~ March 12, 1997 June 5, 1997, 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 MCA~~. 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 4009, Helena, MT 59620-4009. Copies of the Basic Manual for Workers Compensation and Employers Liability Insurance may be obtained by writing to the Montana Classification Review Committee in care of the National

Council on Compensation Insurance, Inc., 7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235. 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: 33-16-1012, MCA

IMP: 33-16-1012, 2-4-103, MCA

4. 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:

Collapse Code 8861 - "Charitable or Welfare Organization -- Professional Employees & Clerical" and Code 9110 - "Charitable or Welfare Organization -- All Other Employees and Drivers" and to establish Code 8837 - "Charitable or Welfare Organization -- All Operations & Drivers" (Effective July 1, 1997).

Purpose: To collapse the two codes which currently contemplate professional versus non-professional employees, and to establish a code, loss cost and rating values for charitable or welfare organizations that are engaged in, among other things, collecting and reconditioning used merchandise including the sales of such merchandise in stores operated by these organizations. This new code would contemplate both professional and non-professional employees.

Establish two new store classification codes 8045 - "Drug -- Retail" and 8072 - "Book, Record, Compact Disc, Software, Video or Audio Cassette Retail".

Purpose: Currently Code 8017 - "Store Retail NOC" contains a melting pot of various types of retail industries. From a study of risks conducted by NCCI, two types of "operations" were found to be homogeneous, readily identifiable, and of sufficiently large size in terms of payroll to generate highly credible rates.

Amend the treatment of sign manufacturing, installation, service and repair by eliminating classification codes 9545 - "Bill Posting & Drivers" and 9549 - "Advertising Co. & Drivers" and blend their experience and payroll with code 9552 - "Sign Mfg., -- Erection, Repair, or Maintenance & Shop, Drivers". All sign manufacturing, regardless of material involved, would be placed under Code 3064 - "Sign Manufacturing".

Purpose: Provide a more uniform and equitable treatment of risks within the sign industry.

5. Interested parties may submit their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Christy Weikart, Chairperson, Montana Classification Review Committee, c/o National Council on Compensation Insurance, Inc., 7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235, and must be received no later than May 25, 1997.

6. The Montana Classification Review 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 Committee no later than May 25, 1997, and advise the office of the nature of the accommodation needed. Please contact Tim Hughes, Montana Classification Review Committee, c/o NCCI, Inc., 7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235.

7. Christy Weikart has been designated to preside over and conduct the hearing.

CLASSIFICATION AND
REVIEW COMMITTEE

By:

Christy Weikart
Christy Weikart
Chairperson

By:

Gary A. Spaeth
Gary A. Spaeth
Rules Reviewer

Certified to the Secretary of State on the 7th of April, 1997.

BEFORE THE BOARD OF OUTFITTERS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) AMENDED NOTICE OF PROPOSED
amendment of rules pertaining) AMENDMENT OF ARM 8.39.512
to licensure - inactive and) LICENSURE - INACTIVE AND
fees) 8.39.518 LICENSURE--FEES FOR
) OUTFITTER, OPERATIONS PLAN AND
) GUIDE OR PROFESSIONAL GUIDE

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On March 24, 1997, the Board of Outfitters published a notice of proposed amendment of the above-stated rules at page 530, 1997 Montana Administrative Register, issue number 6. The notice of proposed action is amended as follows because staff inadvertently omitted mailing the proposed notice to interested persons within three days from the date of publication of the notice, as required by section 2-4-302, MCA. The Board is extending the comment period to May 19, 1997, to provide the public adequate time to submit comments pertaining to the proposed amendments. The proposed amendments will remain the same as published in the original notice under MAR Notice No. 8-39-13.

2. Interested persons may submit their data, views or arguments concerning the proposed amendments in writing to the Board of Outfitters, 111 N. Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile to (406) 444-1667, to be received no later than 5:00 p.m., May 19, 1997.

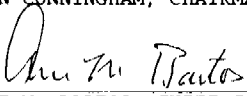
3. If a person who is directly affected by the proposed amendments wishes to present his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit the request along with any comments he has to the Board of Outfitters, 111 N. Jackson, P.O. Box 200513, Helena, Montana 59620-0513, or by facsimile to (406) 444-1667, to be received no later than 5:00 p.m., May 19, 1997.

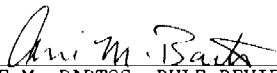
4. If the Board receives requests for a public hearing on the proposed amendments from either 10 percent or 25, whichever is less, of those persons who are directly affected by the proposed amendments, from the Administrative Code Committee of the legislature, from a governmental agency or subdivision or from an association having no less than 25 members who 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 191 based on the 1914 licensees in Montana.

BOARD OF OUTFITTERS
ROBIN CUNNINGHAM, CHAIRMAN

BY:


ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE


ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, April 7, 1997.

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC
amendment of ARM 12.6.901)	HEARING ON PROPOSED
relating to the restriction of)	AMENDMENT OF RULE
motor-propelled water craft on)	12.6.901
Hauser Reservoir.)	

To: All Interested Persons.

1. On May 12, 1997, the Fish, Wildlife and Parks Commission (commission) will hold a public hearing to consider the amendment of rule 12.6.901 as proposed in this notice. The hearing is scheduled as follows:

May 12, 1997 7:00 - 9:00 p.m.
Department of Fish, Wildlife & Parks Headquarters
Commission Room
1420 East Sixth Avenue
Helena, MT 59620

2. The rule proposed to be amended provides as follows:
12.6.901 WATER SAFETY REGULATIONS (1) In the interest of public health, safety, or protection of property, the following regulations concerning the public use of certain waters of the state of Montana are hereby adopted and promulgated by the Montana fish, wildlife and parks commission.

(a) and (b) remain the same.

(c) The following waters are limited to a controlled no wake speed. No wake speed is defined as a speed whereby there is no "white" water in the track or path of the vessel or in created waves immediate to the vessel:

Big Horn County through Hill County remain the same.

Lewis & Clark County: (A) and (B) remain the same.

(C) on Hauser Reservoir: Lakeside marina and Black Sandy beach within 300 feet of the docks or as buoyed; Spokane Creek Bay within 500 feet from the mouth of the bay or as buoyed;

(D) and (E) remain the same.

Lincoln County through (2) remain the same.

AUTH: 87-1 303, MCA IMP: 87-1 303, MCA

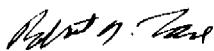
3. Rationale: The department and the landowners are concerned about boaters who are operating vessels at speeds which pose a safety threat to people swimming by the shore, as well as anglers fishing along the various inlets that ring the shoreline. Visibility is restricted and the potential for an accident among other boats, swimmers or anglers is high. The depth of the bay decreases rapidly from the mouth of the bay to the Spokane Creek entry and there have been numerous occasions when boaters who are unaware of the rapid depth change have destroyed props and lower units in the shallows. Furthermore, boats traveling at wake speed have caused damage by wave action to the shoreline and other boats moored along the shore.

4. Interested persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Mike Korn, Montana Department of Fish, Wildlife and Parks, Helena Area Resource Office, P.O. Box 200701, Helena, MT 59620-0701 no later than May 23, 1997.

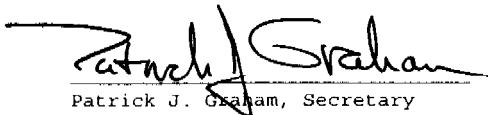
5. Mike Korn, or another hearing examiner designated by the department will preside over and conduct the hearing.

RULE REVIEWER

FISH, WILDLIFE AND PARKS
COMMISSION



Robert N. Lane



Patrick J. Graham, Secretary

Certified to the Secretary of State on April 7, 1997.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING
rules 17.50.412, 17.50.502-506,) FOR PROPOSED AMENDMENT
508, 511, 530, 17.50.701 and 708,) AND ADOPTION OF RULES
and new rule 1, to conform with)
EPA flexibility and allow reduced)
regulatory requirements for)
certain wastes.)
(Solid Waste Management)

To: All Interested Persons

1. On May 12, 1997, at 10:00 a.m., the department will hold a public hearing in Room 111 of the Metcalf Building, 1520 E. 6th Ave., Helena, Montana, to consider the amendment of the above-captioned rules.

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

17.50.412 ANNUAL REPORTING; COMPOSTING; SPECIAL WASTES

(1)-(6) Remain the same.

(7) Fees for Class IV units and facilities are as follows:

(a) For a Class IV unit at a Class II facility there is no additional fee. However the design and operation of the Class IV unit must be included in the facility's design and operation plan and the disposal fee per ton applies to wastes placed in the Class IV unit.

(b) For a Class III facility that applies to upgrade to Class IV, the application review fee is 50% of the respective fee specified for the appropriate Class III landfill in Table 3.

(c) The license transfer fee for a Class IV landfill is the same as the fee specified in Table 2 for a Class III landfill.

(d) The annual license fee for a Class IV landfill is the same as for the respective Class III landfill, as specified in Table 1, except that the disposal fee/ton for a Class II landfill applies to a Class IV landfill.

(e) The license application fee for a Class IV landfill is the same as specified in Table 3 for the respective Class III landfill.

AUTH: 75-10-115, 75-10-204, 75-10-221, MCA; IMP: 75-10-115, 75-10-204, 75-10-221, MCA

17.50.502 DEFINITIONS In addition to the terms defined in 75-10-203, MCA, as used in this subchapter, the following terms shall have the meanings or interpretations shown below:

(1)-(9) Remain the same.

(10) "Commercial waste" means all types of solid wastes generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, and non-processing wastes such as office and packing wastes generated at industrial facilities.

(11) "Conditionally exempt small quantity generator wastes (CESQG wastes)" means wastes from a generator defined in ARM 17.54.401(4)(c).

~~(10)~~ (12) "Construction and demolition waste" means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures, once municipal, household, commercial and industrial wastes have been removed to the greatest extent practicable.

(11)-(55) Remain the same but are renumbered (13)-(57).

AUTH: 75-10-204, MCA; IMP: 75-10-204, MCA

17.50.503 WASTE GROUPS (1) Solid wastes are grouped based on physical and chemical characteristics which determine the degree of care required in handling and disposal and the potential of the wastes for causing environmental degradation or public health hazards. Solid wastes are categorized into 2 3 groups:

(a) Group II wastes include decomposable wastes and mixed solid wastes containing decomposable material but exclude regulated hazardous wastes. Examples include, but are not limited to, the following:

(i) municipal and domestic household solid wastes such as garbage and putrescible organic materials, paper, cardboard, cloth, glass, metal, plastics, street sweepings, yard and garden wastes, digested sewage treatment sludges, water treatment sludges, ashes, dead animals, offal, discarded appliances, abandoned automobiles, and hospital and medical facility wastes, provided that infectious wastes have been rendered non-infectious to prevent the danger of disease; and

(ii) commercial and industrial solid wastes such as packaging materials, liquid or solid industrial process wastes which are chemically or biologically decomposable, crop residues, manure, chemical fertilizers, ~~construction and demolition wastes, asphalt,~~ and emptied pesticide containers which have been triple rinsed or processed by methods approved by the department.

(b) Group III wastes include wood wastes and non-water soluble solids. These wastes are characterized by their general inert nature and low potential for adverse environmental impacts. Examples include, but are not limited to, the following:

(i) inert solid waste such as unpainted brick, dirt, rock and concrete;

(ii) clean, untreated, unglued wood materials, brush, unpainted or untreated lumber, and vehicle tires; and

(iii) industrial mineral wastes which are essentially inert and non-water soluble and do not contain hazardous waste constituents.

(c) Group IV wastes include construction and demolition wastes, and asphalt, except regulated hazardous wastes.

(2) Remains the same.

AUTH: 75-10-204, MCA; IMP: 75-10-204, MCA

17.50.504 DISPOSAL FACILITY CLASSIFICATIONS (1) Remains the same.

(2) There are 2 3 types of disposal facilities: Class II,

and Class III, and Class IV.

(a) Generally, facilities licensed to operate as Class II solid waste management systems are capable of receiving Group II, and Group III, and Group IV wastes but not regulated hazardous wastes. Group III and Group IV waste may be managed in Class II units or separate units at the facility. Household waste, although it may contain some household hazardous waste or other non-regulated hazardous waste, may be disposed of at Class II landfills.

(b) Facilities licensed as Class III landfills may accept only Group III wastes which are primarily inert wastes.

(c) Facilities licensed as Class IV landfills may accept only Group III or Group IV wastes. Conditionally exempt small quantity generator hazardous waste may be included in waste disposed of in Class IV units.

AUTH: 75-10-204, MCA; IMP: 75-10-204, MCA

17.50.505 STANDARDS FOR SOLID WASTE MANAGEMENT FACILITIES

(1) Remains the same.

(2) Special requirements include:

(a)-(j) Remain the same.

(k) A Class IV landfill unit may not be located in wetlands or in a 100 year flood plain.

AUTH: 75-10-204, MCA; IMP: 75-10-204, MCA

17.50.506 DESIGN CRITERIA FOR LANDFILLS (1)-(16) Remain the same.

(17) Landfill units and lateral expansions must be designed, constructed, and operated in a manner to prevent harm to human health and the environment.

(18) Class IV landfill units and lateral expansions must be constructed in accordance with a design approved by the department that ensures that the concentration values listed in Table 1 of this rule will not be exceeded in the uppermost aquifer at the relevant point of compliance, as specified by the department.

(19) A Class IV landfill unit is exempt from liner requirements if:

(a) the department determines, based upon site-specific information such as soil or rock types, average net infiltration or percolation rates, depth to ground water, and contaminant migration velocities, that the unit does not have the potential to cause ground water contamination during the active, closure, and post closure care periods;

(b) the unit is located at a Class II facility and is monitored by the facility's ground water monitoring system in accordance with this subchapter; or

(c) the unit is located at a Class II facility that meets the requirements of ARM 17.50.723.

(20) Returning leachate to a Class IV landfill unit, or recirculating leachate in the landfill unit may only be done in a landfill unit that has a composite liner system.

(21) The relevant point of compliance for Group IV units is the same as specified in (10) of this rule for Class II units. The requirements of (11) of this rule apply to Class IV units.

(22) At sites where Class IV units require liners and for closure activities at all Class IV units, the CQC/COA requirements for Class IV units are the same as for Class II units contained in (12), (13) and (14) of this rule.

(17)(23) The requirements of this rule are effective October 9, 1993, except for the existing landfill units and lateral expansions to existing units defined in ARM 17.50.501(4), which must comply by April 9, 1994.

AUTH: 75-10-204, MCA; IMP: 75-10-204, MCA

17.50.508 APPLICATION FOR SOLID WASTE MANAGEMENT SYSTEM LICENSE Any owner or operator wishing to establish a solid waste management system shall first submit an original application and 3 copies for a license to the department. The application must be signed by the person responsible for the overall operation of the facility. The department shall furnish application forms to interested persons. Such forms shall require at least the following information:

(1)-(9) Remain the same.

(10) geological, hydrological, and soil information, including at least the following:

(a) Remains the same.

(b) Transfer station and Class III and Class IV disposal facility applications ~~are required to submit~~ must include sufficient soils, hydrologic and geologic information so that the department can evaluate the proposed safety and environmental impact of the proposed design;

(c) A ground water monitoring plan or a demonstration meeting the requirements of ARM 17.50.723 must be submitted for Class IV disposal facilities.

(11)-(20) Remain the same.

AUTH: 75-10-204, 75-10-221, MCA; IMP: 75-10-204, 75-10-221, MCA

17.50.511 SPECIFIC OPERATIONAL AND MAINTENANCE REQUIREMENTS--SOLID WASTE MANAGEMENT SYSTEMS (1) and (2) Remain the same.

(3) Class IV solid waste units and components thereof must be designed, constructed, maintained, and operated so as to control litter, insects, rodents, odor, aesthetics, residues, waste water, leachate, and air pollutants.

(a) Although daily cover is not required at Class IV units, an approved cover must be applied a minimum of every 3 months unless more frequent cover is needed to control litter.

(b) The plan of operations at Class IV landfill units must exclude Group II waste and conditionally exempt small quantity generator wastes to the greatest extent practicable. Liquid paints, solvents, glues, resins, dyes, oils, pesticides, and other household hazardous waste and conditionally exempt small quantity generator waste must be removed from buildings prior to demolition.

(c) The following requirements also apply to Class IV units:

(i) fencing and staffing, (1)(c) of this rule;

(ii) waste screening, (1)(e) of this rule;

(iii) explosive gas control, (1)(f) of this rule;

- (iv) air pollution, (1)(i) of this rule;
 - (v) surface water pollution, (1)(k) and (l) of this rule;
 - (vi) bulk liquids, (1)(m) and (n) of this rule; and;
 - (vii) record keeping, (1)(o), (p) and (q) of this rule.
- (3)-(5) Remain the same but are renumbered (4)-(6).

AUTH: 75-10-204, MCA; IMP: 75-10-204, MCA

17.50.530 CLOSURE REQUIREMENTS FOR LANDFILLS

(1) and (2) Remain the same.
(3) The closure requirements for Class IV units are as follows:

(a) Owners or operators of all Class IV landfill units must install a final cover system that is designed to minimize infiltration and erosion. The final cover system must be designed and constructed to:

(i) minimize infiltration through the closed unit by the use of an infiltration layer that contains a minimum 18 inches of earthen material and has a permeability no greater than 1×10^{-3} cm/sec;

(ii) minimize erosion of the final cover by the use of a seed bed layer that contains a minimum of 6 inches of earthen material that is capable of sustaining native plant growth and protecting the infiltration layer from frost effects and rooting damage; and

(iii) revegetate the final cover with native plant growth within 1 year of placement of the final cover.

(b) The department shall approve an alternative final cover design if it includes:

(i) an infiltration layer that achieves reduction in infiltration at least equivalent to the infiltration layer specified in (3)(a)(i) and (ii) above; and

(ii) an erosion layer or alternative revegetation plant species that provide protection from wind and water erosion equivalent to the erosion layer specified in (3)(a)(ii) and (iii) above.

(c) The owner or operator must prepare a written closure plan that describes the steps necessary to close all landfill units at any point during their active life in accordance with the cover design requirements in (3)(a) or (b) above, as applicable. The closure plan, at a minimum, must include the following information:

(i) a description of the final cover, designed in accordance with (3)(a) or (b) above, and the methods and procedures to be used to install the cover;

(ii) an estimate of the area of the Class IV landfill unit that the department determines to be the largest active portion in the facility ever requiring a final cover as required under (3)(a) above during the active life of the facility;

(iii) an estimate of the maximum inventory of wastes ever on-site over the active life of the landfill facility; and

(iv) a schedule for completing all activities necessary to satisfy the closure criteria in (3)(a) above.

(d) The owner or operator must submit a closure plan to the department for approval and place it in the operating record when applying for a license for a Class IV landfill, before placing

wastes in a Class IV unit at a licensed Class II facility, and/or before the lateral expansion of an existing unit.

(e) Prior to beginning closure of each landfill unit, an owner or operator must notify the department that a notice of the intent to close the unit has been placed in the operating record.

(f) The owner or operator must begin closure activities of each Class IV landfill unit no later than 30 days after the date on which the landfill unit receives the known final receipt of wastes or, if the unit has remaining capacity and there is a reasonable likelihood that the unit will receive additional wastes, no later than 1 year after the most recent receipt of wastes. Extensions beyond the 1-year deadline for beginning closure may be granted by the department if the owner or operator demonstrates that the unit has the capacity to receive additional wastes and the owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment from the unclosed unit. Any portion of a Class IV landfill unit that will not receive additional waste within 180 days must have an intermediate cover of at least 1 foot of approved earthen materials.

(g) An owner or operator of Class IV landfill units must complete closure of each unit in accordance with the closure plan within 180 days following the beginning of closure as specified in (3)(f) above. Extensions of the closure period may be granted by the department if the owner or operator demonstrates that closure will, of necessity, take longer than 180 days and the owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment from the unclosed Class IV landfill unit.

AUTH: 75-10-204, MCA; IMP: 75-10-204, MCA

17.50.701 PURPOSE AND APPLICABILITY (1) The purpose of this subchapter is to provide uniform standards for ground water monitoring and corrective action at Class II disposal facilities and Class IV disposal units. For purposes of this rule, "Class II disposal facility" and "Class IV disposal unit" have the meaning expressed in ARM 17.50.504.

(2) Compliance with the requirements of this subchapter must be implemented according to the following schedule:

(a)-(d) Remain the same.

(e) All Class IV units must be in compliance with this subchapter (except for the provisions of ARM 17.50.705), and operated in compliance with this subchapter, and initial sampling must be completed before waste can be placed in the unit.

AUTH: 75-10-204, MCA; IMP: 75-10-204, 75-10-207, MCA

17.50.708 SAMPLING AND ANALYSIS PLAN (1)-(7) Remain the same.

(8)(a) and (b) Remain the same.

(c) The department may establish an alternative list of inorganic indicator parameters for a MSWLF Class II unit, in lieu of some or all of the inorganic constituents listed in Table 1 (items 1-24), or some or all of the Table 1 constituents at Class IV units, if the alternative parameters provide a reliable indication of inorganic releases from the MSWLF unit to the

ground water. In determining alternative parameters, the department shall consider the following factors:

(i) The types, quantities, and concentrations of constituents in waste managed at the MSWLF unit;

(ii) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the MSWLF unit;

(iii) and (iv) Remain the same.

(9)-(16) Remain the same.

AUTH: 75-10-204, MCA; IMP: 75-10-207, MCA

RULE I FINANCIAL ASSURANCE REQUIREMENTS FOR CLASS IV LANDFILLS (1) Prior to licensure, a Class IV facility must financially assure, with a department approved mechanism, the costs of third party closure, post closure care, and corrective action for known releases at the facility at a time when such activities would be the most expensive. Such financial assurance must ensure that requisite funds will be available whenever needed. The amount of the financial assurance must be reviewed, and adjusted if needed, as part of the annual license application renewal process. Allowable mechanisms for financial assurance include:

(a) surety bonds;

(b) trust funds;

(c) letters of credit;

(d) insurance; and

(e) any other department approved mechanism or combination of mechanisms.

AUTH: 75-10-204, MCA; IMP: 75-10-204, MCA

3. The proposed amendments to ARM 17.50.412 are necessary to allow the department to recoup the reasonable expenses associated with the licensing, inspection, and regulation of a new class of landfill units. These fees are allowed for by 75-10-115, MCA.

The proposed amendments to ARM 17.50.502, 503, 504, 505, 506, 508, 511, 530, 701, and 708 allow for the establishment of a new waste group and a new class of landfill units and waste management facilities. This new class will allow disposal of construction and demolition waste, which have significantly less potential for generation of harmful leachate than normal household waste, in facilities that have design and monitoring requirements that are less stringent and less expensive than Class II facilities. The management of these types of waste at facilities that are less stringently designed, located, and monitored than municipal solid waste facilities is allowed in 1996 EPA regulations.

ARM 17.50.503 is additionally amended to provide clarification of the definition of Group II wastes to include household wastes, a term defined in ARM 17.50.502, and eliminates domestic wastes, an undefined term. It also provides clarification of Group III wastes and distinguishes these inert wastes from Group IV materials.


New Rule I is necessary to insure the proper closure and post closure care for Class IV landfills.

4. Interested persons may submit their data, views, or arguments concerning the proposed actions, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Pat Crowley, Department of Environmental Quality, Metcalf Building, PO Box 200901, Helena, MT 59620-0901, no later than May 22, 1997.

5. Jon Dilliard has been designated to preside over and conduct the hearing.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Reviewed by:


MARK A. SIMONICH, Director


JOHN F. NORTH, Rule Reviewer

Certified to the Secretary of State April 7, 1997.

BEFORE THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF MONTANA

In the matter of the amendment)	NOTICE OF PROPOSED
of rules 18.7.301 through)	AMENDMENT
18.7.303, 18.7.305, 18.7.306,)	
18.7.307, 18.7.320, 18.7.322,)	NO PUBLIC HEARING
18.7.323, and 18.7.332 relating)	CONTEMPLATED
to motorist information signs.)	

TO: All Interested Persons.

1. On May 21, 1997, the Department of Transportation proposes to amend the above-referenced rules relating to motorist information signs.

2. The rules as proposed to be amended provide as follows (new material underlined, deleted matter interlined):

18.7.301 POLICY STATEMENT

(1) remains the same.

(2) These rules provide for the installation of motorist information signs to inform the motoring public of traveler services conveniently accessible from interstate highways and of traveler and tourist services accessible from primary highways within Montana. ~~The signs are not intended to provide an advertising medium for businesses.~~

AUTH: 60-5-503, MCA; IMP: 60-5-513, MCA

REASON: Although the intent of the program is to provide directional assistance to a qualified business, the signs do, in fact, provide an advertising medium.

18.7.302 DEFINITIONS

(1) through (2) remain the same.

(3) "Directional sign" is any structure that is visible and readable with normal visual acuity from the primary highway and provides a motorist with sufficient information to find the location of a business without the need for additional information or directions.

(4) and (5) remain the same.

(6) "Intersection" means any private or public roadway which requires a right or left turn off the primary highway to access the roadway.

(7) "Interstate highway" means a highway on the federal-aid national highway interstate system as defined in 60-1-103~~14~~, MCA.

(7) through (9) remain the same but are renumbered (8) through (10).

~~(10)~~ (11) "Primary highway" means a highway on the federal-aid state primary or national highway system as defined in 60-1-103~~15~~, MCA.

(11) through (17) remain the same but are renumbered (12) through (18).

AUTH: 60-5-503, MCA; IMP: 60-5-513, MCA

REASON: Subsection (3) was changed for clarification. It is important the sign is not only visible, but also readable. Subsection (6) was added to provide tourist-oriented directional signing for qualified activities from private and public access roads. Subsections (7) and (11) were changed to provide a definition consistent with the statutory definition of the National Highway System.

18.7.303 BUSINESS ELIGIBILITY FOR SPECIFIC INFORMATION SIGNS

- (1) through (2)(a)(iii) remain the same.
- (iv) Be in continuous operation at least 12 hours per day, seven days per week; and
- (v) May qualify for the additional words "auto repair" on the business sign provided qualified personnel are available to perform minor auto repair and tire repair at least 8 hours per day, five days per week; and
- (vi) May qualify for the additional words "24 hour" provided the fuel pumps are operable with major credit cards or personnel 24 hours each day, seven days per week.

(2)(b) through (3) remain the same.
AUTH: 60-5-503, MCA; IMP: 60-5-514 and 60-5-522, MCA

REASON: Subsection (2)(a)(vi) was added to allow motorists to access fuel stops that are available 24 hours a day.

18.7.305 SPACING AND LOCATION OF SPECIFIC INFORMATION SIGNS

- (1) through (6) remain the same.
- (7) Specific information signs shall be erected with a lateral offset equal to or greater than existing guide signs, and they should be at least 30 feet from the edge of the shoulder traveled way, where possible.

AUTH: 60-5-503, MCA; IMP: 60-5-513, MCA

REASON: The change was made for clarification. Wherever possible, signs shall be placed at least 30 feet from the edge of the pavement, or traveled way.

18.7.306 SPECIFIC INFORMATION SIGN DESIGN AND ORDER

- (1) remains the same.
- (2) Six business signs for gas, food, lodging, and camping will be available in each direction of travel at any interchange on an interstate highway except that at an interchange where there are more than six eligible businesses for a specific service, the excess eligible businesses may be combined on other specific service signs upon department approval. In the event other eligible businesses in other categories apply for participation, they shall be given priority over the excess business(es) upon contract expiration.
- (3) remains the same.
- (4) Where there is insufficient space for all four

specific service signs, ~~the signs shall generally be erected with or where there are business signs of two or more services competing for the unused space of another service,~~ the following priority shall govern: GAS, FOOD, LODGING, and CAMPING. Where there is greater demand for signs in one service category than there is in a higher priority category, the franchisee may request approval from the department to set a different priority at that interchange. However, only two service categories may be displayed on a sign.

AUTH: 60-5-503, MCA; IMP: 60-5-512 and 60-5-513, MCA

REASON: Subsection (2) was amended to allow for combination of categories on mainline signs. In urban areas, there are often more qualified businesses in certain categories than space allows and qualified businesses in other categories. Allowing combination signs will reduce blank spaces on mainline signs and allow more qualified businesses to participate in the program. The changes in (4) provide for the priority order of business categories, but allow for a change in priority depending on business interest. Only two business categories may be displayed on a mainline sign.

18.7.307 SUPPLEMENTAL DIRECTIONAL SIGNS

(1) through (6) remain the same.

~~(7) Supplemental directional signs shall be installed in the same order as the specific information signs.~~

(8) remains the same but is renumbered (7).

AUTH: 60-5-503, MCA; IMP: 60-5-513, MCA

REASON: It may not be possible or practical to install the supplemental directional signs in the same order as the mainline signs.

18.7.320 TOURIST-ORIENTED DIRECTIONAL SIGNS - GENERAL

(1) remains the same.

(2) Tourist-oriented directional signs may be erected within the corporate limits of a town or city with a population of less than 15,000 persons ~~with the written consent of the local government, if required by local government ordinance or regulation. If the consent of the local government is required, it shall be provided in writing to the franchisee.~~

(3) Tourist-oriented directional signs may be erected for an activity not visible and identifiable from a point on the primary highway 300 feet from the next intersection during the period the activity is operating and open to the public. For the purposes of this rule, "visible" means the activity or an on-premise sign can be clearly seen and readable from points established for stopping sight distance. "identifiable" means that the activity's structure(s), general developed area or on-premise sign(s) clearly conveys specific identification of the activity from points established for stopping sight distance. On-premise signs of 40 square feet or less are not considered in the determination of visible or identifiable as defined in this rule. General guidance for the points used to establish

"visible" and "identifiable" shall be measured from the business approach intersection using as a minimum the following chart for stopping sight distance.

<u>Posted speed limit</u> <u>(in miles per hour)</u>	<u>Estimated stopping sight distance</u> <u>(in feet)</u>
25	150
30	200
35	250
40	325
45	400
50	475
55	550

In areas without a posted speed limit, the maximum distance used for the purposes of determining visibility shall be 600 feet.

(4) An activity which is located more than five and less than 15 miles from a primary highway may request a waiver from the department in order to apply for a tourist-oriented directional sign panel. The waiver may shall be given in the discretion of the department where the business when the activity provides a tourist service different from those services located within five miles of the intersection, and where it the activity is not located within five miles of another primary highway or an interstate, and where specific service or tourist-oriented no other directional signing is available for the business to it.

AUTH: 60-5-503, MCA; IMP: 60-5-519 and 60-5-521, MCA

REASON: The amendment in (2) is for clarification. It provides that local government consent is required only if there is local government zoning or ordinances in place. The amendments in (3) are for clarification of the terms "visible" and "identifiable." The stopping sight distance is based on policy in Geometric Design of Highways and Streets, published by the American Association of State Highway and Transportation Officials (AASHTO), Ch. III, Table III-1, Stopping Sight Distance, as approved by the U.S. Department of Transportation, Federal Highway Administration. Changes in (4) are to clarify the language to allow businesses beyond the five-mile limit to participate in the program.

18.7.322 DESIGN OF TOURIST-ORIENTED DIRECTIONAL SIGNS AND PANELS (1) Tourist-oriented directional signs shall have reflective blue background with reflective white legend and display the words "Tourist Activities" in six inch letters at the top and where there are intervening intersecting roadways, may display additional information such as "second right," "second left," "junction-Highway 2," etc., at the top. The signs shall be six feet wide and as high as necessary to accommodate a maximum of four individual panels. They shall meet the specifications provided in the contract between the department and the franchisee.

(2) and (3) remain the same.

AUTH: 60-5-503, MCA; IMP: 60-5-521, MCA

REASON: By eliminating the "Tourist Activities" header panel, the sign size is reduced. Signs can be manufactured for less cost, thereby allowing businesses to participate on a seasonal basis without the requirement of paying fees for the entire year. Many tourist-oriented businesses in Montana operate on a seasonal basis. Changes in this rule also allow directional signs for qualifying businesses in areas with numerous intersecting roadways.

18.7.323. TOURIST-ORIENTED DIRECTIONAL SIGN INSTALLATION

(1) Tourist-oriented directional signs shall be installed, at a minimum, of 300 feet in advance of the intersection while maintaining a minimum of 300 feet between tourist-oriented directional signs and a minimum of 300 feet between tourist-oriented directional signs and any other highway signs, with the exception of no parking, loading zone and similar signs as approved by the department in accordance with the chart for stopping sight distance pursuant to ARM 18.7.320(3) and may be installed farther from the intersection when necessary for motorist safety and convenience. Tourist-oriented directional signs should not be installed less than 200 feet in advance of the intersection and should maintain a minimum of 200 feet between tourist-oriented directional signs and any other highway signs, with the exception of no parking, loading zone and similar signs. However, spacing of less than 200 feet between signs may be allowed with department approval.

(2) In areas where speeds of 45 miles per hour and less are posted, sign spacing may be reduced, if necessary, with a minimum spacing of 100 feet between tourist-oriented directional signs and other highway signs. No parking, loading zone or similar signs shall not be considered for minimum spacing requirements.

(2) and (3) remain the same but are renumbered (3) and (4).

(5) Signs may be erected for facilities in the ahead direction. The legend AHEAD in appropriate letter size may be used in lieu of directional arrows.

(6) Signing for right, left or ahead directions may be allowed for visible and identifiable activities to address safety problems upon department approval.

(7) The maximum number of tourist-oriented directional panels shall be 12 in each direction of travel at each intersection, and the maximum number of advance tourist-oriented directional panels shall be 9 in each direction of travel at each intersection.

(4) remains the same but is renumbered (8).

(5) Tourist-oriented directional signs may not be installed at an intersection where the department determines that the installation would detract from the effectiveness of the necessary traffic control device.

(6) and (7) remain the same but are renumbered (9) and (10).

AUTH: 60-5-503, MCA; IMP: 60-5-521, MCA

REASON: Changes in (1) and (2) allow sign spacing in accordance with the chart on stopping sight distance (see ARM 18.7.320(3))

with a minimum of 200 feet, or 100 feet if the posted speed limit is 45 miles per hour or less. This spacing requirement is consistent with the requirements for official traffic control signs. Subsection (5) allows for "ahead" signs for qualified activities that are not visible from a decision point (intersection). Subsection (6) allows for signs for qualified activities that are visible, if it is determined that such signing will positively address safety problems. Subsection (7) clarifies the number of business panels allowed at each intersection. It was determined that (5) be deleted because it is unnecessary due to the spacing provisions under proposed (1) and (2).

18.7.332 MAINTENANCE (1) The franchisee shall repair or replace within ~~four weeks~~ a reasonable period of time after notification of damage occurs, any sign panels that are destroyed or damaged.

(2) The franchisee shall wash all signs ~~on an annual basis~~ or at any time the reflectorized facing becomes dull.

(3) The franchisee shall conduct an inspection ~~annually~~ periodically on the breakaway mechanism for any dirt or other obstruction that may interfere with the breakaway mechanism. All bolts shall be loosened and retorqued to proper specification as required.

(4) remains the same.

AUTH: 60-5-503, MCA; IMP: 60-5-505, MCA

REASON: In (1) it may not be practical to repair or replace a sign within four weeks. It should be noted the franchisee will replace or repair a sign when practicable for business reasons. In (2) it may not be necessary to wash signs on an annual basis. It is in the franchisee's business interest to wash signs, if needed. In (3) it may not be necessary to check breakaway mechanisms on an annual basis. By allowing reasonable maintenance flexibility, the franchisee is allowed to offer more competitive program costs without compromising safety issues.

3. It is noted that the amendments to the administrative rules for motorist information signs are a result of program experience over the past five years. The initial administrative rules were developed prior to program initiation. These amendments will provide a more effective motorist information sign program.

4. Interested parties may submit their data, views, or arguments concerning the proposed amendments in writing to Richard Munger, Logo Sign Coordinator, Department of Transportation, Right-of-Way Bureau, P.O. Box 201001, Helena, Montana 59620-1001, to be received no later than May 19, 1997.

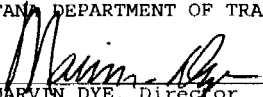
5. If a person who is directly affected by the proposed amendments wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Richard Munger, Logo Sign


Coordinator, Department of Transportation, Right-of-Way Bureau, P.O. Box 201001, Helena, Montana 59620-1001. The comments must be received no later than May 19, 1997.

6. If the agency receives requests for a public hearing on the proposed amendment from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed amendments; from the Administrative Code Committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be greater than 25 based on an estimate of the number of businesses and other qualifying activities that may benefit by participation in the program.

MONTANA DEPARTMENT OF TRANSPORTATION

By:


MARVIN DYE, Director


Lyle Manley, Rule Reviewer

Certified to the Secretary of State April 7, 1997.

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

In the matter of the proposed) NOTICE OF ADDITIONAL PUBLIC
adoption of 11 new rules) HEARING ON THE PROPOSED ADOPTION
related to the workers') OF ELEVEN NEW RULES
compensation administrative)
assessment)

TO ALL INTERESTED PERSONS:

1. On May 16, 1997, at 10:00 a.m., an additional public hearing will be held in the first floor conference room, Room No. 104 of the Walt Sullivan Building (Dept. of Labor Building), 1327 Lockey, Helena, Montana, to consider the adoption of rules related to the workers' compensation administrative assessment.

The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing. If you request an accommodation, contact the Department by not later than 4:00 p.m., May 12, 1997, to advise us of the nature of the accommodation that you need. Please contact the Employment Relations Division, Attn: Ms. Linda Wilson, P.O. Box 8011, Helena, MT 59604-8011; telephone (406) 444-6531; TTD (406) 444-5549; fax (406) 444-4140. Persons with disabilities who need an alternative accessible format of this document in order to participate in this rule-making process should contact Ms. Wilson.

2. The Department of Labor and Industry proposes to adopt eleven new rules related to the workers' compensation administrative assessment. Notice of the proposed rules was originally published on February 24, 1997, at pages 380 through 395 of the Montana Administrative Register, pursuant to MAR Notice No. 24-29-98. Prior to the public hearing scheduled for March 21, 1997, a number of interested parties asked that the Department continue the hearing date until after the 1997 regular legislative session has adjourned. The Department has agreed to extend the public comment period until May 23, 1997, and to schedule an additional public hearing, finding that the extension of the comment period is in the public interest.

3. Any person or entity that would like a copy of the original Notice of Public Hearing (MAR Notice No. 24-29-98), which contains the complete text of the proposed rules and the statement of reasonable necessity for the proposed rules, may obtain a copy by contacting the Employment Relations Division, Attn: Ms. Linda Wilson, P.O. Box 8011, Helena, MT 59604-8011; telephone (406) 444-6531; TTD (406) 444-5549; fax (406) 444-4140, and requesting a copy of the original Notice.

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

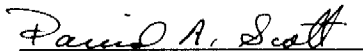
data, views or arguments may also be submitted to:

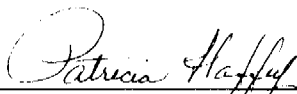
Jim Hill, Bureau Chief
Workers' Compensation Regulations Bureau
Employment Relations Division
Department of Labor and Industry
P.O. Box 8011
Helena, Montana 59604-8011

and must be received by not later than 5:00 p.m., May 23, 1997.

5. The Department proposes to make the new rules effective as soon as feasible. The Department reserves the right to adopt only portions of the rules, or to adopt some or all of the rules at a later date.

6. The Hearing Bureau of the Legal/Centralized Services Division of the Department has been designated to preside over and conduct the hearing.


David A. Scott
Rule Reviewer


Patricia Haffey, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: April 7, 1997.

BEFORE THE STATE AUDITOR AND COMMISSIONER OF INSURANCE
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF AMENDMENT
amendment of Rule)
6.6.4001 pertaining to the)
valuation of securities)

TO: All Interested Persons

1. On February 24, 1997, the state auditor and commissioner of insurance of the state of Montana published notice of proposed amendment of Rule 6.6.4001. The notice was published at page 371 of the 1997 Montana Administrative Register, issue number 4.

2. The agency has amended Rule 6.6.4001 as proposed.

3. No comments were received.

MARK O'KEEFE, State Auditor
and Commissioner of Insurance

By: David L. Hunter
David L. Hunter
Deputy State Auditor

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

Certified to the Secretary of State on the 4th of April, 1997.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF
rules 17.50.530 and 17.50.540,)	AMENDMENT OF RULES
amending Class II landfill require-)	
ments.)	

(Solid Waste Management)

To: All Interested Persons

1. On February 24, 1997, notice of the proposed amendments to ARM 17.50.530 and 17.50.540 was published in the Montana Administrative Register, Issue 4, page 377.

2. On March 19, 1997 a public hearing was held in Helena concerning the proposed amendments. As a result of the comments received, the Department amends ARM 17.50.530 and 17.50.540 as follows (new material is underlined; material to be deleted is interlined):

17.50.530 CLOSURE REQUIREMENTS FOR LANDFILLS

(1) Closure criteria for Class II landfills are as follows:

(a) and (b) Same as proposed.

(c) The owner or operator must prepare a written closure plan that describes the steps necessary to close all landfill units at any point during their active life in accordance with the cover design requirements in (1)(a) or (b) of this rule, as applicable. The closure plan, at a minimum, must include the following information:

(i) Same as proposed.

(ii) an estimate of the area of the Class II landfill ~~unit~~ that the department determines to be the largest ~~unit active portion~~ in the facility requiring a final cover as required under (1)(a) of this rule during the active life of the facility;

(iii) and (iv) Same as proposed.

(d)-(j) Same as proposed.

(2) Same as proposed.

17.50.540 FINANCIAL ASSURANCE REQUIREMENTS FOR CLASS II LANDFILLS

(1) Same as proposed.

(2) The following financial assurance for closure is required:

(a) The owner or operator must have a detailed written estimate, in current dollars, of the cost of hiring a third party to close the area of the Class II landfill ~~unit~~ that the department determines to be the largest ~~unit active portion~~ in the facility requiring a final cover as required under ARM 17.50.530 during the active life of the facility in accordance with the closure plan. The owner or operator must submit a copy to the department and place the estimate in the operating record.

(i) The cost estimate must equal the cost of closing the ~~unit largest active portion~~ during the active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see ARM

17.50.530(1)(c)(ii)).

(ii)-(iv) Same as proposed.

(b) Same as proposed.

(3)-(5) Same as proposed.

3. Oral and written comments received are summarized as follows along with the responses of the department:

COMMENT: The proposed amendments establish the amount of financial assurance based upon the "largest unit" in the facility. If 2 or more units were open contemporaneously, only one of the units would be financially assured.

RESPONSE: The department believes that the proposed language would have allowed the department discretion to consolidate, for purposes of financial assurance, 2 contemporaneous units into a single "largest unit". However, to avoid any question about the matter, the department has modified the proposal to establish financial assurance based upon the "largest active portion" in the facility.

COMMENT: If 2 landfill units are open contemporaneously for a brief period while transitioning from one to the other, does the term "largest active portion" require the landfill operator to have financial assurance in an amount sufficient to close both units?

RESPONSE: The fact that 2 units may be open contemporaneously during a transition period probably will not trigger a consolidation of those units for purposes of financial assurance. The department will review such scenarios on a case-by-case basis to determine the amount of financial assurance required.

COMMENT: The department should provide a 1-year extension for corporate landfill owners, so that they can utilize EPA's forthcoming procedures for meeting financial assurance by means of a corporate guarantee.

RESPONSE: Federal rules require that financial assurance be in place by April 9, 1997. Requests for an extension must be reviewed on a case-by-case basis. Consequently, the department cannot create an automatic extension for a class of owners or operators. In addition, the department cannot exempt a corporate facility from existing rules based upon speculation that they may qualify under future corporate guarantee rules. If financial hardship exists, a corporate owner/operator can request an individualized extension under the existing rules.

COMMENT: The amendments base the closure cost estimate on the largest active portion during the active life of the facility. However, many facilities have acquired large acreage as a buffer or for future use, and it is not possible to estimate with any accuracy the cost of closure for such areas.

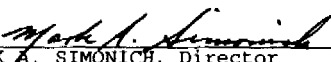
RESPONSE: The amendment requires coverage for the largest area that will be open at any one time "in accordance with the closure plan" required by ARM 17.50.530. If the largest area is part of a closure plan, and has an approved design plan, it will qualify for consideration as the "largest active portion." If the area is not part of the closure plan, it will not be considered in determining the "largest active portion." If the area is included in a closure plan, but does not yet have an approved design, the department will exercise its discretion in determining the "largest active portion."

COMMENT: The amendment expands department discretion in designating the largest active portion. How will the department make such a determination, and under what conditions would the department not accept a designation or plan forwarded from a facility owner or operator?

RESPONSE: The Administrative Rules of Montana define "active portion" at 17.50.502(3). The department determination of "largest active portion" will be based upon that definition, and the facility's closure plan and design plans. Any potential rejection of an owner or operator's designation or plan would be based upon the same criteria. Designation of the largest active portion will primarily be a function of a facility's closure plan. The discretion to designate the largest active portion is important, however, in that it enables the department to ignore brief transitional periods of dual unit operation in designating the largest active portion.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Reviewed by:


MARK A. SIMONICH, Director


JOHN F. NORTH, Rule Reviewer

Certified to the Secretary of State April 7, 1997.

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

In the matter of the) NOTICE OF AMENDMENT OF
amendment of ARM 24.30.102,) ARM 24.30.102
related to occupational safety))
and health standards for)
public sector employment)


TO ALL INTERESTED PERSONS:


1. On February 24, 1997, the Department published notice at pages 396 through 398 of the Montana Administrative Register, Issue No. 4, to consider the amendment of ARM 24.30.102.

2. On March 21, 1997, a public hearing was held in Helena concerning the proposed amendment. No oral and written comments from the public were offered at that time. No written comments were received prior to the closing date of March 28, 1997.

3. The Department has amended ARM 24.30.102 exactly as proposed.

4. The amendments are effective May 7, 1997.


David A. Scott
Rule Reviewer


Patricia Haffey, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State: April 7, 1997.

VOLUME NO. 47

OPINION NO. 1

AUDIT - Audit fees owed by Montana Higher Education Student Assistance Corporation;
BONDS - Audit fees owed by Montana Higher Education Student Assistance Corporation;
EDUCATION, HIGHER - Audit fees owed by Montana Higher Education Student Assistance Corporation;
MONTANA CODE ANNOTATED - Title 17, chapter 5, parts 13, 22; sections 17-5-1302, -1312, -2201;
MONTANA LAWS OF 1987 - Chapter 190, sections 2, 13;
UNITED STATES CODE - Title 20, section 1087-1(e); title 26, sections 144(b)(1), 146.

HELD: The Montana Higher Education Student Assistance Corporation (MHESAC) is not a "state bond issuer" as that term is used in Montana Code Annotated § 17-5-2201, and therefore the fees provided in that section are not applicable to bonds issued by MHESAC.

April 7, 1997

Ms. Lois A. Menzies, Director
Department of Administration
Mitchell Building, Room 155
P.O. Box 200101
Helena, MT 59620-0101

Dear Ms. Menzies:

- You have requested my opinion on the following question:

Is the Montana Higher Education Student Assistance Corporation (MHESAC) a "state bond issuer" as that term is used in Montana Code Annotated § 17-5-2201?

For reasons that follow, I conclude that because MHESAC is a "state issuer" under Mont. Code Ann. § 17-5-1312(2), it cannot be considered a "state bond issuer" as that term is used in § 17-5-2201.

MHESAC is a private, nonprofit corporation established to provide a statewide student loan program. The Higher Education Montana Administrative Register

8-4/21/97

Act of 1965, Pub. L. No. 89-329, and its subsequent amendments created a national system for making higher education loans available to qualified students while at the same time protecting the makers of the loans from loss or default. The post-1965 amendments to the Higher Education Act authorized the creation of nonprofit corporations to purchase student loans from the initial lenders. 20 U.S.C. § 1087-1(e). These nonprofit corporations were to act as "secondary markets" for student loans and were authorized to sell tax exempt bonds in order to raise money to purchase the student loans. Id. MHESAC is such a secondary market corporation.

Congress put a limit on the tax-exempt non-general obligation debt or private activity bonds that could be issued in one year by a state, its political subdivisions, and nonprofit corporations within the state. 26 U.S.C. § 146. States were allowed to allocate this bond cap, also known as the volume cap, among eligible entities, for specific uses authorized by Congress. One use specifically authorized was the issuance of "qualified student loan bonds" such as those issued by MHESAC. 26 U.S.C. § 144(b)(1).

In 1987, the Montana Legislature enacted the Montana Unified Volume Cap Bond Allocation Plan Act (hereinafter referred to as the Act) which established the current procedures for allocation of the volume cap. 1987 Mont. Laws, ch. 190. The Department of Administration was given the responsibility for allocating Montana's share of private activity bonds under the cap. Mont. Code Ann. §§ 17-5-1301 to -1325. MHESAC was expressly included as one of the entities eligible for an allocation of the volume cap. Under Montana Code Annotated § 17-5-1302(15) a "state issuer" is defined as

the state and any agency thereof authorized to issue private activity bonds. *For this part only, the Montana higher education student assistance corporation is considered an agency of the state.*

(Emphasis supplied.) Importantly, a "state issuer" is a state agency authorized to issue private activity bonds. Id.

The Act also provided for imposition of an audit fee. Two separate statutory sections were enacted to impose the fee: Montana Code Annotated §§ 17-5-1312(2) and -2201. Section 17-5-1312(2) established a procedure for payment of the audit

fee as a condition of receiving an allocation under the bond cap limit:

As a condition of receiving an allocation, each *state issuer*, upon issuance of the bonds, shall pay 30 cents per thousand of bonds to be deposited in the state general fund for the purpose of funding a portion of the comprehensive annual financial report audit.

(Emphasis supplied.) MHESAC, as a "state issuer," is clearly subject to this provision.

Your question, however, deals with Montana Code Annotated § 17-5-2201 and whether the audit fee in this section applies to MHESAC. Section 17-5-2201 provides:

Except for issuers of general obligation bonds which are payable solely by general fund revenues, each *state bond issuer* shall, upon issuance of the bonds, pay 30 cents per thousand of bonds to be deposited in the state general fund for the purpose of funding a portion of the comprehensive annual financial report audit.

(Emphasis supplied.) This section applies to each "state bond issuer."

Your letter informs me that at least two propositions are undisputed. First, when MHESAC issues private activity bonds to finance its student loan activities, it acts as a "state issuer" under Montana Code Annotated § 17-5-1302(15), and is subject to the fee prescribed for "state issuers" under Montana Code Annotated § 17-5-1312(2). Second, no one apparently contends that the fee prescribed by the latter statute and the fee prescribed by Montana Code Annotated § 17-5-2201 can both be applied to the same bond issue, in effect levying a fee of 60 cents per thousand of bonds issued.

The issue you present is important because, in addition to its private activity bonds, MHESAC may occasionally issue other bonds, such as refunding bonds, that arguably may not be considered "private activity bonds" subject to the State's allocation cap in title 17, chapter 5, part 13. It is clear that the fee prescribed by Montana Code Annotated § 17-5-1312(2) would not apply to these "other" bonds because they are not

Montana Administrative Register 8-4/21/97

subject to allocation under part 13. The question you pose is whether, when it issues these other kinds of bonds that may not be within the definition of "private activity bonds," MHESAC is considered a "state bond issuer" subject to the fee prescribed by § 17-5-2201.

Montana Code Annotated § 17-5-1302(15) states that MHESAC is a "state issuer" for "this part only." Ostensibly, then, MHESAC would only be considered a state agency for title 17, chapter 5, part 13, and could not be considered a state agency for title 17, chapter 5, part 22. The codification is confusing, however. Montana Code Annotated § 17-5-2201 was originally enacted as section 13 of the Act. 1987 Mont. Laws, ch. 190, § 13. "State issuer" as defined in the Montana session laws meant "the state and any agency thereof authorized to issue private activity bonds. For [this Act] only, the Montana higher education student assistance corporation is considered an agency of the state." 1987 Mont. Laws, ch. 190, § 2(16) (emphasis added). Under Montana Code Annotated § 1-11-103(6), if there is any inconsistency between the provisions of the Montana Code Annotated and the corresponding portion of the official enrolled bill, effect shall be given to the official enrolled bill. Under section 2(16) of the Act, as it was officially enrolled, MHESAC was to be considered a state agency. Arguably, then, MHESAC could be considered a "state bond issuer" as well as a "state issuer" as enrolled under the Act.

It must be presumed, however, that the legislature would not pass meaningless legislation, and statutes relating to the same subject must be harmonized as much as possible, giving effect to each. Crist v. Segna, 191 Mont. 210, 212, 622 P.2d 1028, 1029 (1981). Here, the legislature enacted two separate provisions imposing the audit fee, one applying to "state issuers" and one applying to "state bond issuers." As such, the two terms apply to different types of bond issuances. A "state issuer," by definition, issues only private activity bonds. Mont. Code Ann. § 17-5-1302(15). In contrast, a "state bond issuer" is not so limited. The fee in Montana Code Annotated § 17-5-2201 applies to all state bond issuers, except for issuers of general obligation bonds which are payable solely by general fund revenues. Thus, in order to give effect to both statutes, a reasonable interpretation of Montana Code Annotated § 17-5-1312(2) is that it governs application of the audit fee for entities issuing private activity bonds while § 17-5-2201

governs application of the fee for all other types of bond issuances.

Further, if MHESAC were subject to § 17-5-2201, it could be charged the audit fee twice upon issuance of private activity bonds. Under § 17-5-1312(2), it would be charged the audit fee as a condition of allocation, and under § 17-5-2201, it would be charged the audit fee again upon issuance of the bonds. The legislative history of the Act does not support imposing the fee twice for the same issuance.

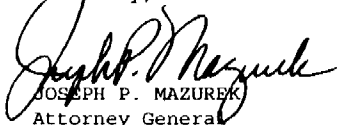
In 1987, when the legislature adopted the Act, the audit fee was amended into the Act to assure that "issuers of bonds would be responsible to pay into the general fund \$0.30 per thousand dollars worth of bonds to help pay for the statewide financial report and for the costs of the legislative auditor to do the report." Mins., State Admin. Comm., SB 230, Jan. 30, 1987, comment of David Hunter. Thus, the intent of the legislature was to impose a 30 cent fee. If MHESAC were subject to both § 17-5-1312(2) and § 17-5-2201, it could be subject to a 60 cent fee per thousand of bonds. The legislature did not intend to impose a 60 cent audit fee per thousand of bonds issued.

Statutes relating to the same subject are to be harmonized, giving effect to each. The legislative history indicates that the audit fee in § 17-5-2201 would apply to a state bond issuer who was not otherwise subject to the fee imposed under § 17-5-1312(2).

THEREFORE, IT IS MY OPINION:

The Montana Higher Education Student Assistance Corporation (MHESAC) is not a "state bond issuer" as that term is used in Montana Code Annotated § 17-5-2201, and therefore the fees provided in that section are not applicable to the bonds issued by MHESAC.

Sincerely,


JOSEPH P. MAZUREK
Attorney General

jpm/elg/lrb

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 | 1. Consult ARM topical index. |
| Subject | Update the rule by checking the accumulative |
| Matter | table and the table of contents in the last |
| | Montana Administrative Register issued. |
| Statute | 2. Go to cross reference table at end of each |
| Number and | title which lists MCA section numbers and |
| Department | 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, 1996. This table includes those rules adopted during the period January 1, 1997 through March 31, 1997 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, 1996, 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 1996 and 1997 Montana Administrative Registers.

To aid the user, the Accumulative Table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number. These will fall alphabetically after department rulemaking actions. Accumulative Table entries will be listed with the department name under which they were proposed, e.g., Department of Health and Environmental Sciences as opposed to Department of Environmental Quality.

GENERAL PROVISIONS, Title 1

- 1.2.419 Filing, Compiling, Printer Pickup and Publication of the Montana Administrative Register, p. 2574, 3154

ADMINISTRATION, Department of, Title 2

- 2.4.136 State Accounting - Reimbursement for Receiptable Lodging, p. 3095, 191
2.5.401 and other rules - State Purchasing, p. 3097, 193

(State Compensation Insurance Fund)

- 2.55.321 and other rules - Premium Rates, p. 2627, 194

AGRICULTURE, Department of, Title 4

- I Use of Pesticides in Alfalfa Seed Crops, p. 616
4.5.102 and other rules - Projects, Procedures and Updates - Requirements to the Noxious Weed Trust Fund, p. 2473

- 4.13.1001 and other rule - Grain Fee Schedule of Lab Hours,
Travel Time and Fees, p. 2343, 2842

STATE AUDITOR, Title 6

- 6.6.4001 Valuation of Securities, p. 371

(Classification Review Committee)

- 6.6.8301 Updating References to the NCCI Basic Manual for
Workers Compensation and Employers Liability
Insurance, 1996 Edition, p. 369
6.6.8301 Updating References to the NCCI Basic Manual for
Workers Compensation and Employers Liability
Insurance, 1996 ed., p. 2349, 2843

COMMERCE, Department of, Title 8

(Board of Alternative Health Care)

- 8.4.301 and other rules - Fees - Renewal - Unprofessional
Conduct - Licensing of Out-of-State Applicants -
Certification for Speciality Practice of
Naturopathic Physician Continuing Education - Direct
Entry Midwife Apprenticeship Requirements, p. 2230,
2576

(Board of Architects)

- 8.6.405 and other rules - Practice of Architecture, p. 2060,
2476, 3210

(Board of Barbers)

- 8.10.403 and other rules - Barbers, Barber Shops and Barber
Schools, p. 1432, 3114

(Board of Chiropractors)

- 8.12.601 and other rules - Chiropractors, p. 974, 2844, 3212

(Board of Dentistry)

- 8.16.402 and other rules - Dentists - Dental Hygienists -
Denturists - Practice of Dentistry and Denturistry,
p. 2478, 3118

(State Electrical Board)

- 8.18.401 and other rules - Electrical Industry, p. 2065,
3039, 34

(Board of Hearing Aid Dispensers)

- 8.20.401 and other rules - Hearing Aid Dispensers, p. 3009

(Board of Horse Racing)

- 8.22.502 and other rules - Parimutuel Wagering - Fees -
Permissible Medication, p. 526

(Board of Landscape Architects)

- 8.24.403 and other rules - Landscape Architects -
Applications - Seals - Examinations - Renewals -

Replacement Licenses - Fee Schedule - Unprofessional Conduct, p. 2944, 35

(Board of Medical Examiners)

I Physicians - Inactive License, p. 2635, 3213

(Board of Funeral Service)

8.30.101 and other rules - Morticians - Mortuaries - Crematories - Crematory Operators - Crematory Technicians, p. 2073, 2425

(Board of Nursing)

8.32.413 and other rules - Conduct of Nurses - Survey and Approval of Schools - Annual Report - Definitions - Registered Nurse's Responsibility to the Nursing Process - Standards for Schools of Nursing - Standards for IV Therapy - Charge Nurse for Licensed Practical Nurses, p. 2638, 626

(Board of Nursing Home Administrators)

8.34.404A and other rules - Nursing Home Administrators, p. 3174, 1, 237

(Board of Occupational Therapists)

8.35.401 and other rules - Practice of Occupational Therapy, p. 1448, 1586, 2379

(Board of Optometry)

8.36.406 and other rules - General Practice Requirements - Unprofessional Conduct - Fees - Disciplinary Actions - Continuing Education Concerning the Practice of Optometry, p. 2238, 2654, 305

(Board of Outfitters)

8.39.512 and other rule - Licensure - Inactive - Fees for Outfitter, Operations Plan and Guide or Professional Guide, p. 530

(Board of Physical Therapy Examiners)

8.42.402 and other rules - Licensure of Physical Therapists - Physical Therapist Assistants - Foreign-Trained Physical Therapists, p. 2245, 38

(Board of Plumbers)

8.44.402 and other rules - Plumbing Industry, p. 2081, 2426, 2577

(Board of Professional Engineers and Land Surveyors)

8.48.401 and other rules - Practice of Professional Engineers and Land Surveyors, p. 2085, 196

(Board of Private Security Patrol Officers and Investigators)

8.50.423 and other rules - Private Security Patrol Officers and Investigators, p. 2656, 633

(Board of Psychologists)

- 8.52.402 and other rules - Practice of Psychology, p. 3, 538, 637

(Board of Public Accountants)

- 8.54.402 and other rules - Practice of Public Accounting, p. 3018, 540

(Board of Real Estate Appraisers)

- 8.57.403 and other rules - Real Estate Appraisers, p. 2665, 308
8.57.411 Continuing Education, p. 532

(Board of Realty Regulation)

- 8.58.419 Grounds for License Discipline - General Provisions
- Unprofessional Conduct, p. 467
8.58.419 Grounds for License Discipline - General Provisions
- Unprofessional Conduct, p. 3101, 399

(Board of Respiratory Care Practitioners)

- 8.59.402 and other rules - Respiratory Care Practitioners, p. 8, 542

(Board of Sanitarians)

- 8.60.401 and other rules - Sanitarians, p. 626, 985, 1965, 2578

(Board of Social Work Examiners and Professional Counselors)

- 8.61.403 and other rules - Practice of Social Work and
Licensed Professional Counseling, p. 239

(Board of Speech-Language Pathologists and Audiologists)

- 8.62.413 and other rules - Practice of Speech-Language
Pathology and Audiology, p. 2103, 2976

(Board of Passenger Tramway Safety)

- 8.63.503 and other rules - Passenger Tramway Safety Industry, p. 2952, 401

(Board of Veterinary Medicine)

- 8.64.402 and other rule - Fee Schedule - Examination for
Licensure, p. 2679, 3214
8.64.402 and other rules - Fees - Application Requirements -
Temporary Permits - Examinations - Annual Renewals -
Continuing Education - Unprofessional Conduct -
Applications for Certification of Embryo Transfer -
Unprofessional Conduct for Embryo Transfer -
Disciplinary Actions - Advisory Committee, p. 2253, 2579

(Building Codes Bureau)

- 8.70.101 and other rules - Uniform and Model Codes - Plumbing
and Electrical Requirements - Recreational Vehicles
- Boiler Safety - Swimming Pools, p. 2682, 44

(Weights and Measures Bureau)

- 8.77.302 NIST Handbook 130 - Uniform Laws and Regulations,
p. 2957, 45

(Local Government Assistance Division)

- 8.94.3705 and other rules - Federal Community Development
Block Grant (CDBG) Program, p. 19

(Economic Development Division)

- 8.99.401 and other rules - Microbusiness Advisory Council,
p. 636, 2166, 2580, 2978

(Travel Promotion and Development Division)

- I Tourism Advisory Council, p. 619

(Board of Science and Technology Development)

- 8.122.102 and other rules - Award and Administration of Loans
by the Montana Board of Science and Technology
Development, p. 2351

(Montana Lottery)

- 8.127.101 and other rules - Organizational Rule - Instant
Tickets - Prizes, p. 2110, 2849
8.127.407 and other rule - Retailer Commission - Sales Staff
Incentive Plan, p. 1479, 2850

EDUCATION, Title 10

(Office of Public Instruction)

- 10.7.103 and other rules - School Transportation, p. 2689,
203
10.16.1101 Protection in Evaluation Procedures, p. 373

(Board of Public Education)

- 10.57.107 Teacher Certification - Emergency Authorization of
Employment, p. 2961, 312
10.57.211 and other rule - Test for Certification - Minimum
Scores on the National Teacher Examination Core
Battery, p. 2416, 2979
10.58.505 Teacher Education Programs - Business Education,
p. 2962, 313
10.66.101 Adult Secondary Education - Requirements Which Must
Be Met in Order to Receive High School Equivalency
Diplomas, p. 2959, 46

FISH, WILDLIFE, AND PARKS, Department of, Title 12

(Fish, Wildlife, and Parks Commission)

- 12.6.101 Regulations for Ice Fishing Shelters, p. 247, 638
12.6.901 Restriction of Motor-propelled Water Craft on
Various Lakes in the Seeley Lake and Beavertail
Pond, p. 131, 639

ENVIRONMENTAL QUALITY, Department of, Title 17

- 17.36.110 Subdivisions - Emergency Amendment - Certification of Plat Approval, p. 543
- 17.36.303 Subdivisions - Authority of the Department to Allow Use of Alternative Water Systems in Subdivisions, p. 375
- 17.40.201 and other rules - Operator Certification - Revising Water and Waste Water Operator Certification Rules, p. 3182, 545
- 17.50.530 and other rule - Solid Waste Management - Class II Landfill Requirements, p. 377
- 17.54.102 and other rules - Waste Management - Federal Regulations for the Hazardous Waste Program, p. 2711, 208
- 26.4.101A and other rules - Reclamation - Transfer from the Department of State Lands - Reclamation, p. 2852, 3042
- 36.7.901 and other rules - Energy - Transfer from the Department of Natural Resources and Conservation - Major Facility Siting - Renewable Energy Grant and Loan Program, p. 2863

(Board of Environmental Review)

- I Water Quality - Temporary Water Standards for Daisy Creek, Stillwater River, Fisher Creek, and the Clark's Fork of the Yellowstone River, p. 1652, 1872, 2211, 1049, 2502, 534
- 16.8.1903 and other rule - Air Quality - Air Quality Operation Fees - Air Quality Permit Application Fees, p. 1928, 2581
- 16.8.1906 and other rules - Air Quality - Rules Regarding Air Quality, p. 2260, 3041
- 17.30.716 Water Quality - Eliminating a List of Activities Predetermined to be Nonsignificant and Adopting a Category of Nonsignificance for Individual Sewage Systems, p. 3103, 134
- 17.30.1501 and other rules - Water Quality - Permitting of In-Situ Uranium Mining, p. 3199, 402
- 17.54.102 and other rules - Waste Management - Bringing Current Rules in Line with EPA Regulations in Order to Maintain Federal Authorization of the State Hazardous Waste Program, p. 2357, 2851
- 26.4.107M and other rules - Hard Rock - Enforcement - Penalties, p. 1786, 2586
- 26.4.301 and other rules - Abandoned Mines - Abandoned Mine Reclamation Program, p. 2265, 3050

(Department of Environmental Quality and Board of Environmental Review)

- 16.8.1906 and other rules - Air Quality - Rules Regarding Air Quality, p. 2260, 3041

- (Petroleum Tank Release Compensation Board)
16.47.101 and other rules - Petroleum Tank Release
Compensation Board, p. 1587, 3125
17.58.333 Petroleum Board - Designating a Representative for
Reimbursement, p. 3197, 403

TRANSPORTATION, Department of, Title 18

- 18.8.101 and other rules - Motor Carrier Services Program,
p. 714, 1971, 2980
18.8.509 and other rule - Motor Carrier Services Program,
p. 2964, 546
18.8.511A Motor Carrier Services Program - When Flag Vehicles
are Required, p. 21, 647
18.12.501 and other rules - Aeronautical Powers and Duties,
p. 1943, 2983, 47

(Transportation Commission)

- I-XV Railroad Crossing Signalization - Signal Removal -
Improved Crossing Surface Installation, p. 3028, 642

(Montana Transportation Commission and Department of
Transportation)

- I-VII Debarment of Contractors Due to Violations of
Department Requirements - Determination of
Contractor Responsibility, p. 1930, 3133

JUSTICE, Department of, Title 23

- I-IX Operation, Inspection, Classification, Rotation, and
Insurance of Commercial Tow Trucks, p. 2267, 3134
23.16.101 and other rules - Public Gambling, p. 2504, 404

(Board of Crime Control)

- 23.14.401 and other rules - Peace Officers Standards and
Training - DARE Trust Fund, p. 1260, 2984
23.14.801 Definition of "Uncertifiable Officer", p. 536

LABOR AND INDUSTRY, Department of, Title 24

- I-XI Workers' Compensation Administrative Assessment,
p. 380
I-XVII and other rules - Workers' Compensation Plan Number
One [Plan 1] Requirements and Eligibility, p. 512,
1151, 2427
24.16.1509 and other rule - Minimum Hourly Wage Rate, p. 2363,
2882
24.16.9007 Prevailing Wage Rates - Service Occupations and
Certain Bricklayer Rates, p. 621
24.30.102 Occupational Safety and Health Standards for Public
Sector Employment, p. 396

(Human Rights Commission)

- 24.9.801 and other rules - Proof of Discrimination, p. 1790,
2871

LIVESTOCK, Department of, Title 32

(Board of Milk Control)

- I-IV and other rule - Milk Utilization - Marketing of Class III Milk, p. 2114, 2428
- 32.24.301 and other rule - Producer Class I Pricing, p. 3201, 434
- 32.24.501 and other rules - Quota Rules, p. 2718, 3215, 314

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- I Reject, Modify, or Condition Permit Applications in the Houle Creek Basin, p. 1952, 2432
- I-XII Administration of the Yellowstone Controlled Groundwater Area, p. 22, 469
- 36.2.401 and other rules - Minimum Standards and Guidelines for the Streambed and Land Preservation Act, p. 1946, 2366, 48
- 36.12.102 and other rule - Forms - Application and Special Fees, p. 1954, 2430

(Board of Land Commissioners and Department of Natural Resources and Conservation)

- 26.3.128 and other rules - Transfer of State Lands Rules - Surface Management - Issuance of Oil and Gas Leases - Coal Leasing - Geothermal Resources - Metalliferous Leasing, p. 2384
- 36.25.115 and other rules - State Land Leasing, p. 2368
- 36.25.146 and other rule - State Land Leasing, p. 3110, 315

(Board of Water Well Contractors)

- 36.21.410 and other rules - Water and Monitoring Well Licensing - Construction Standards, p. 2120, 65

(Board of Oil and Gas Conservation)

- 36.22.1408 Underground Injection Control - Financial Responsibility, p. 3107, 471
- 36.22.1423 Injection Fees - Well Classification, p. 32, 473

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- I Minimum Standards for a Hospital -- Swing Beds, p. 143
- I-IV Medicaid Coverage and Reimbursement of Home Infusion Therapy Services, p. 2131, 2599
- I-VI Criteria for Patient Placement at the Montana Chemical Dependency Center, p. 1958, 2596
- I-IX and other rules - Rules in Titles 11 and 46 Pertaining to Mental Health Managed Care Services for Medicaid Recipients and other Eligible Persons, p. 147, 548
- I-X and other rules - Targeted Case Management, p. 2755, 496
- I-XVII Home Infusion Therapy, p. 883, 2587

- I-XVIII Montana Telecommunications Access Program, p. 2967, 505
- 11.2.101 and other rules - Departments of Family Services, Health and Environmental Sciences, and Social and Rehabilitation Services Procedural Rules, p. 2423, 3051
- 11.7.901 Interstate Compact on the Placement of Children, p. 3205, 316
- 11.14.101 and other rules - Day Care Facilities - Certification for Day Care Benefits, p. 249
- 11.14.106 and other rules - Excluding Care of Children of a Single Family from Day Care Facility Licensing and Registration Rules - State Payment for Registered or Licensed Day Care and Unregistered Day Care, p. 135, 578
- 16.10.1507 Area Requirements, Deck Areas, Handholds for Swimming Pools and Spas, p. 145, 580
- 16.32.320 Minimum Standards for a Hospital - General Requirements, p. 2722, 3216
- 46.2.101 and other rules - Transfer of Department of Social and Rehabilitation Services Procedural Rules, p. 2433
- 46.10.409 and other rules - Child Care Fee Scales, p. 2372, 2886
- 46.12.101 and other rules - General Medicaid Provider Requirements, p. 2724, 474
- 46.12.503 and other rule - Inpatient and Outpatient Hospital Services, p. 2752, 3218
- 46.12.1222 and other rule - Provider Changes Under the Medicaid Nursing Facility Services Program, p. 3034, 76
- 46.12.3803 Medically Needy Assistance Standards, p. 2750, 502
- 46.12.4804 and other rules - Health Maintenance Organizations, p. 2418, 503
- 46.13.302 and other rules - Low Income Energy Assistance Program (LIEAP), p. 2136, 2887, 504

PUBLIC SERVICE REGULATION, Department of, Title 38

- I Recovery of Abandonment Costs in Electric Utility Least-Cost Resource Planning and Acquisition, p. 1962, 78
- I-IX IntraLATA Equal Access Presubscription, p. 299
- I-LVIII Local Exchange Competition and Dispute Resolution in Negotiations between Telecommunications Providers for Interconnection, Services and Network Elements, p. 2528, 319, 651
- 39.3.706 Motor Carrier Insurance Endorsements (applicable to Large Motor Coaches), p. 624
- 38.5.1010 and other rules - Electric Safety Codes - Electric Service Standards - Pipeline Safety (including Drug and Alcohol Testing), p. 2777, 317

REVENUE, Department of, Title 42

- I Agricultural Improvements from Property Land Classification, p. 3112, 506
- 42.11.243 and other rules - Liquor Regulations for Golf Course and Moveable Devices, p. 2564, 3146
- 42.15.101 and other rules - Biennial Review of Chapter 15 - Composite Returns, p. 2142, 2605, 2985
- 42.15.506 and other rule - Computation of Residential Property Tax Credit, p. 2829, 3148
- 42.17.103 General Withholding Taxes, p. 2276, 2610
- 42.18.106 and other rules - Reappraisal Plan Property Rules, p. 2783, 3149
- 42.19.501 Property Tax Exemption for Disabled Veterans, p. 2568, 3150
- 42.19.1203 and other rules - Class 5 Classification Property Tax Rules, p. 2803, 3220
- 42.20.166 and other rule - Forest Land Rules, p. 3208, 507
- 42.21.106 and other rules - Personal Property Rules, p. 2805, 3157
- 42.22.101 and other rules - Industrial Property Rules, p. 2793, 3153
- 42.25.1810 Oil and Gas Rules, p. 2151, 2435

SECRETARY OF STATE, Title 44

- I-III Electronic Storage of Local Government Records, p. 2840, 3223
- 1.2.419 Filing, Compiling, Printer Pickup and Publication of the Montana Administrative Register, p. 2574, 3154
- 44.3.105 and other rules - Surveys of Polling Places - Examination of Voting Devices, p. 2832, 3221
- 44.6.106 and other rules - Uniform Commercial Code Rules, p. 2838, 3222

(Commissioner of Political Practices)

Notice of Public Hearing to Consider Whether New or Amended Rules that Address Lobbying Activities are Necessary Pursuant to the Petition Submitted by Montana Common Cause, p. 2570

BOARD APPOINTEES AND VACANCIES

Section 2-15-108, MCA, passed by the 1991 Legislature, directed that all appointing authorities of all appointive boards, commissions, committees and councils of state government take positive action to attain gender balance and proportional representation of minority residents to the greatest extent possible.

One directive of 2-15-108, MCA, is that the Secretary of State publish monthly in the *Montana Administrative Register* a list of appointees and upcoming or current vacancies on those boards and councils.

In this issue, appointments effective in March 1997, appear. Vacancies scheduled to appear from May 1, 1997, through July 31, 1997, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

Each month, the previous month's appointees are printed, and current and upcoming vacancies for the next three months are published.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of April 3, 1997.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

BOARD AND COUNCIL APPOINTEES FROM MARCH, 1997

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Architects (Commerce)			
Mr. John W. Peterson	Governor	not listed	3/27/1997
Kallispell			3/27/2000
Qualifications (if required):	registered architect		
Board of Crime Control (Justice)			
Ms. Elaine Allestad	Governor	reappointed	3/6/1997
Big Timber			1/1/2001
Qualifications (if required):	county commissioner		
Mr. Don Bjertness	Governor	reappointed	3/6/1997
Billings			1/1/2001
Qualifications (if required):	public member		
Rep. Sylvia Bookout	Governor	Shea	3/6/1997
Alberton			1/1/1999
Qualifications (if required):	member of the House of Representatives		
Mr. Rick Day	Governor	reappointed	3/6/1997
Helena			1/1/2001
Qualifications (if required):	Director of the Department of Corrections		
Mr. John Flynn	Governor	reappointed	3/6/1997
Townsend			1/1/2001
Qualifications (if required):	county attorney		
General Joseph P. Mazurek	Governor	reappointed	3/6/1997
Helena			1/1/2001
Qualifications (if required):	Montana's Attorney General		
Ms. Jani McCall	Governor	Bellingham	3/6/1997
Billings			1/1/1999
Qualifications (if required):	representative of the Youth Justice Council		

BOARD AND COUNCIL APPOINTEES FROM MARCH, 1997

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Crime Control (Justice) Cont.			
Judge Dorothy B. McGarter	Governor	reappointed	3/6/1997
Helena			1/1/2001
Qualifications (if required): judge			
Rep. Debbie Shea	Governor	Gage	3/6/1997
Butte			1/1/1999
Qualifications (if required): member of the State Senate			
Chief Mike Shortell	Governor	reappointed	3/6/1997
Havre			1/1/2001
Qualifications (if required): police chief			
Sheriff Bill Slaughter	Governor	reappointed	3/6/1997
Bozeman			1/1/2001
Qualifications (if required): sheriff			
Ms. Janet Stevens	Governor	Pfaff	3/6/1997
Missoula			1/1/2001
Qualifications (if required): public member			
Mr. Ken Stuker	Governor	reappointed	3/6/1997
Helena			1/1/2001
Qualifications (if required): educator			
Chief Justice Jean A. Turnage	Governor	reappointed	3/6/1997
Helena			1/1/2001
Qualifications (if required): Chief Justice of the Supreme Court			

BOARD AND COUNCIL APPOINTEES FROM MARCH, 1997

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Dentistry (Commerce)			
Mr. Clifford Christenot	Governor	reappointed	3/29/1997
Libby			3/29/2002
Qualifications (if required):	denturist		
Dr. Sheldon Ivers	Governor	Scranton	3/29/1997
Great Falls			3/29/2002
Qualifications (if required):	dentist		
Ms. Nancy Rupert	Governor	Hinebauch	3/29/1997
Billings			3/29/2002
Qualifications (if required):	public member		
Mr. Henry Stish	Governor	reappointed	3/29/1997
Dillon			3/29/2002
Qualifications (if required):	public member and a senior citizen		
Board of Horse Racing (Commerce)			
Mr. Bill Brown	Governor	Shumate	3/21/1997
Butte			1/20/1998
Qualifications (if required):	horse racing industry		
Board of Housing (Commerce)			
Ms. Ronda Carpenter	Governor	Bankhead	3/21/1997
Great Falls			1/1/2001
Qualifications (if required):	public member		
Mr. William H. Oser	Governor	reappointed	3/21/1997
Billings			1/1/2001
Qualifications (if required):	public member		

BOARD AND COUNCIL APPOINTEES FROM MARCH, 1997

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Housing (Commerce) Cont.			
Mr. Robert J. Savage	Governor	reappointed	3/21/1997
Sidney			1/1/2001
Qualifications (if required):	public member		
Mr. Tom Welch	Governor	McKee	3/21/1997
Dillon			1/1/2001
Qualifications (if required):	public member		
Board of Livestock (Livestock)			
Mr. George Hammond	Governor	Espy	3/5/1997
Hardin			3/1/2003
Qualifications (if required):	cattle producer		
Ms. Meg Smith	Governor	Hagenbarth	3/5/1997
Glen			3/1/2003
Qualifications (if required):	cattle producer		
Board of Private Security Patrol Officers and Investigators (Commerce)			
Mr. Michael Ames	Governor	Luntsford	3/11/1997
Colstrup			8/1/1998
Qualifications (if required):	representative of a proprietary security organization		
Mr. Gary Boyer	Governor	Noose	3/11/1997
Great Falls			8/1/1999
Qualifications (if required):	member of the Peace Officers' Standards and Training Advisory Council		
Ms. Mariann Calnan	Governor	Masolo	3/11/1997
Montana City			8/1/1999
Qualifications (if required):	public member		

BOARD AND COUNCIL APPOINTEES FROM MARCH, 1997

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Respiratory Care Practitioners (Commerce)			
Ms. Linda Davis	Governor	Bergman	3/15/1997
Townsend			1/1/2001
Qualifications (if required):	public member		
Developmental Disabilities Planning and Advisory Council (Public Health and Human Services)			
Sen. Sharon Estrada	Governor	Harding	3/3/1997
Billings			1/1/1998
Qualifications (if required):	State Senator		
Montana Arts Council (Montana Arts Council)			
Ms. Carol Brenden	Governor	reappointed	3/21/1997
Scobey			2/1/2002
Qualifications (if required):	public member		
Ms. Connie G. Clarke	Governor	Collier	3/21/1997
Miles City			2/1/2002
Qualifications (if required):	public member		
Mr. John B. Dudis	Governor	reappointed	3/21/1997
Kalispell			2/1/2002
Qualifications (if required):	public member		
Mr. Robert Morrison	Governor	Haughey	3/21/1997
Billings			2/1/2002
Qualifications (if required):	public member		
Ms. Carol Novotne	Governor	reappointed	3/21/1997
Fort Harrison			2/1/2002
Qualifications (if required):	public member		

BOARD AND COUNCIL APPOINTEES FROM MARCH, 1997

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
SummitNet Executive Council (Administration)			
Ms. Mary Bryson	Governor	Robinson	3/12/1997
Helena			6/30/1997
Qualifications (if required):	Information Technology Advisory Council representative		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<u>Aging Advisory Council (Governor)</u>		
Ms. Eloise England, Dupuyer	Governor	7/18/1997
Qualifications (if required): representative of District VII		
<u>Ms. Roberta Feller, Stockett</u>	Governor	7/18/1997
Qualifications (if required): representative of District X		
<u>Mr. Dwight Mackay, Billings</u>	Governor	7/18/1997
Qualifications (if required): public member		
<u>Alfalfa Leaf-Cutting Bee Advisory Committee (Agriculture)</u>		
Mr. Gill M. Sorg, Wolf Point	Governor	7/1/1997
Qualifications (if required): represents Montana Alfalfa Seed Growers Association		
<u>Board of Banking (Commerce)</u>		
Mr. Tom Ryan, Hamilton	Governor	7/1/1997
Qualifications (if required): public member		
<u>Mr. Jerry Wiedebush, Plentywood</u>	Governor	7/1/1997
Qualifications (if required): state bank officer		
<u>Board of Cosmetologists (Commerce)</u>		
Ms. Karen Underwood, Billings	Governor	7/1/1997
Qualifications (if required): licensed cosmetologist		
<u>Ms. Janet Markle, Glasgow</u>	Governor	7/1/1997
Qualifications (if required): public member		
<u>Ms. Lynn Campbell, Deer Lodge</u>	Governor	7/1/1997
Qualifications (if required): cosmetologist and manicurist		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Cosmetologists (Commerce) Cont. Ms. Verna Dupuis, Bozeman Qualifications (if required): cosmetologist	Governor	7/1/1997
Ms. Geraldine Sorenson, Billings Qualifications (if required): licensed cosmetologist	Governor	7/1/1997
Board of Hearing Aid Dispensers (Commerce) Mr. Dudley Anderson, Missoula Qualifications (if required): hearing aid dispenser	Governor	7/1/1997
Board of Landscape Architects (Commerce) Ms. Pati O'Reilly, Shelby Qualifications (if required): public member	Governor	7/1/1997
Ms. Shelly Engler, Bozeman Qualifications (if required): licensed landscape architect	Governor	7/1/1997
Board of Morticians (Commerce) Mr. Dale M. Stevenson, Miles City Qualifications (if required): mortician	Governor	7/1/1997
Mr. John A. Anderson, Superior Qualifications (if required): public member	Governor	7/1/1997
Board of Nursing (Commerce) Rep. Charlotte K. "Char" Messmore, Great Falls Qualifications (if required): registered nurse	Governor	7/1/1997
Board of Nursing Home Administrators (Commerce) Ms. Leona Petro, Bigfork Qualifications (if required): professional concerned with care for chronically ill and aged patients	Governor	5/28/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Pharmacy (Commerce) Ms. Judy Coldwell, Jordan Qualifications (if required): public member	Governor	7/1/1997
Board of Physical Therapy Examiners (Commerce) Ms. Charlotte Pannon, Billings Qualifications (if required): physical therapist	Governor	7/1/1997
Board of Plumbers (Commerce) Mr. Vernon E. (Gene) Mahn, Lincoln Qualifications (if required): public member	Governor	5/4/1997
Board of Public Accountants (Commerce) Ms. Elizabeth Hallowell, Helena Qualifications (if required): public member	Governor	7/1/1997
Board of Radiologic Technologists (Commerce) Ms. Jane Christman, Dutton Qualifications (if required): radiologic technologist	Governor	7/1/1997
Board of Real Estate Appraisers (Commerce) Mr. A. Farrell Rose, Helena Qualifications (if required): licensed appraiser	Governor	5/1/1997
Ms. Jeannie Flechsenhar, Cascade Qualifications (if required): public member	Governor	5/1/1997
Board of Realty Regulation (Commerce) Mr. Bruno Friia, Missoula Qualifications (if required): licensed real estate broker or salesman	Governor	5/9/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Regents of Higher Education (Education) Mr. Michael Green, Malta Qualifications (if required): student representative	Governor	6/1/1997
Board of Sanitarians (Commerce) Ms. Denise Moldroski, Superior Qualifications (if required): registered sanitarian	Governor	7/1/1997
Board of Veterans' Affairs (Military Affairs) Mr. George G. Hageman, Jordan Qualifications (if required): honorably discharged from military services	Governor	5/18/1997
Board of Water Well Contractors (Natural Resources and Conservation) Mr. Wes Lindsay, Clancy Qualifications (if required): licensed water well contractor	Governor	7/1/1997
Capitol Restoration Commission (Administration) Mr. Bob Marks, Clancy Qualifications (if required): public member	Governor	6/10/1997
Child Care Advisory Council (Family Services) Mr. David Lockie, Bozeman Qualifications (if required): parent representative	Governor	6/30/1997
Ms. LaNette Simonton, Glendive Qualifications (if required): public member	Governor	6/30/1997
Ms. Claudine Hoyer, Glasgow Qualifications (if required): child care provider	Governor	6/30/1997
Mr. Randy Haight, Bozeman Qualifications (if required): child care provider	Governor	6/30/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Child Care Advisory Council (Family Services) Cont.		
Ms. Mary Jane Standaert, Helena	Governor	6/30/1997
Qualifications (if required): parent representative		
Committee on Telecommunications Services for the Handicapped (Social and Rehabilitation Services)		
Mr. Eric Eck, Helena	Governor	7/1/1997
Qualifications (if required): represents Public Service Commission		
Mr. Norm Eck, Helena	Governor	7/1/1997
Qualifications (if required): non-handicapped senior citizen		
Ms. Barbara Ranf, Helena	Governor	7/1/1997
Qualifications (if required): represents largest local exchange company in Montana		
Ms. Sheri Devlin, Billings	Governor	7/1/1997
Qualifications (if required): represents Department of Social and Rehabilitation Services		
Community Services Advisory Council (Governor)		
Ms. Nancy Coopersmith, Helena	Governor	7/1/1997
Qualifications (if required): representing K-12 education		
Ms. Kathy Ramirez, Helena	Governor	7/1/1997
Qualifications (if required): representing non-profit agencies		
Major Loren Oelkers, Helena	Governor	7/1/1997
Qualifications (if required): representing Department of Military Affairs		
Mr. George Dennison, Missoula	Governor	7/1/1997
Qualifications (if required): representing higher education		
Mr. Joseph Lovelady, Helena	Governor	7/1/1997
Qualifications (if required): representing volunteer organizations		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Community Services Advisory Council (Governor) Cont. Ms. Gertrude Downey, Butte Qualifications (if required): representing private citizens	Governor	7/1/1997
Electrical Board (Commerce) Ms. Louise Glimm, Conrad Qualifications (if required): public member	Governor	7/1/1997
Game Farm Advisory Council (Livestock and Fish, Wildlife and Parks) Mr. Bill Nyby, Antelope Qualifications (if required): representative of the game farm industry	Governor	7/19/1997
Ms. Nancy Espy, Broadus Qualifications (if required): representing the Board of Livestock	Governor	7/19/1997
Dr. Anne Johnson, Malta Qualifications (if required): licensed veterinarian	Governor	7/19/1997
Mr. Chris Marchion, Anaconda Qualifications (if required): representing sportspersons of Montana	Governor	7/19/1997
Mr. David Simpson, Hardin Qualifications (if required): representing the Fish, Wildlife and Parks Commission	Governor	7/19/1997
Health Care Advisory Council (Health and Environmental Sciences) Ms. Kathleen Richardson, Havre Qualifications (if required): representative of Region 2	Governor	6/30/1997
Mr. Peter Blouke, Helena Qualifications (if required): director of newly created Department of Public Health and Human Services	Governor	6/30/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Health Care Advisory Council (Health and Environmental Sciences) Ms. Cynthia Lewis, Helena Qualifications (if required): representative of Region 4	Cont. Governor	6/30/1997
Dr. Lawrence R. Palazzo, Glasgow Qualifications (if required): representative of Region 1	Governor	6/30/1997
Mr. Max Agather, Kalispell Qualifications (if required): representative of Region 5	Governor	6/30/1997
Mr. Kent Burgess, Billings Qualifications (if required): representative of Region 3	Governor	6/30/1997
Health Care Authority Board (Health and Environmental Sciences) Rep. Dorothy Bradley, Bozeman Qualifications (if required): none specified	Governor	6/30/1997
Mr. Lloyd Lockren, Jr., Billings Qualifications (if required): none specified	Governor	6/30/1997
Historical Society Board of Trustees (Historical Society) Ms. Jeanne Eder, Dillon Qualifications (if required): historian	Governor	7/1/1997
Mr. Ward Shanahan, Helena Qualifications (if required): public member	Governor	7/1/1997
Ms. Ruby Settle, Wibaux Qualifications (if required): public member	Governor	7/1/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

Board/current position holder	Appointed by	Term end
House Bill 195 Incentives Advisory Council (Fish, Wildlife and Parks) Sen. John Hertel, Moore Qualifications (if required): none specified	Director	6/1/1997
Mr. Alan Charles, Miles City Qualifications (if required): none specified	Director	6/1/1997
Interagency Coordinating Council for State Prevention Program (Public Health and Human Services) Ms. Marilyn Chakos, Billings Qualifications (if required): involved in a prevention program	Governor	7/1/1997
Ms. Robin Morris, Havre Qualifications (if required): involved in a prevention program	Governor	7/1/1997
Judicial Standards Commission (Justice) Ms. Barbara Evans, Missoula Qualifications (if required): citizen not an attorney	Governor	7/1/1997
Judge John Warner, Havre Qualifications (if required): none specified	Chief Justice	6/30/1997
Juvenile Justice and Juvenile Mental Health Study Commission (Justice) Mr. Craig Anderson, Glendive Qualifications (if required): member of the Youth Justice Advisory Council	Governor	6/30/1997
Mr. Derek Cabrerera, Bozeman Qualifications (if required): former juvenile delinquent	Governor	6/30/1997
Mr. Dick Meeker, Helena Qualifications (if required): juvenile probation officer	Governor	6/30/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Juvenile Justice and Juvenile Mental Health Study Commission (Justice) Cont.		
Mr. Fred Anderson, Miles City	Governor	6/30/1997
Qualifications (if required): public member		
Ms. Jani McCall, Billings	Governor	6/30/1997
Qualifications (if required): member of a private agency providing youth treatment service		
Mr. Arthur R. Clinch, Columbia Falls	Governor	6/30/1997
Qualifications (if required): representing the Department of Family Services		
Mr. Mike Ferriter, Helena	Governor	6/30/1997
Qualifications (if required): representing the Department of Corrections		
Judge John Larson, Missoula	Governor	6/30/1997
Qualifications (if required): youth court judge		
Ms. Candy Wimmer, Helena	Governor	6/30/1997
Qualifications (if required): representing the Board of Crime Control		
Ms. Janice Henderson, Lolo	Governor	6/30/1997
Qualifications (if required): parent of youth being treated/supervised		
Ms. Robin Bullock, Butte	Governor	6/30/1997
Qualifications (if required): victim of a violent crime committed by a juvenile		
Ms. Lois Poulton, Winnett	Governor	6/30/1997
Qualifications (if required): justice of the peace		
Mr. Larry Epstein, Cut Bank	Governor	6/30/1997
Qualifications (if required): county attorney		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Licensing Advisory Council (Fish, Wildlife and Parks) Mr. Charles R. Decker, Libby Qualifications (if required): none specified	Director	6/1/1997
Mr. Jack Billingsley, Glasgow Qualifications (if required): none specified	Director	6/1/1997
Mr. Russ Smith, Philipsburg Qualifications (if required): none specified	Director	6/1/1997
Mr. Bob Jensen, Circle Qualifications (if required): none specified	Director	6/1/1997
Long Term Care Reform Advisory Council (Public Health and Human Services) Mr. Ed Caplis, Helena Qualifications (if required): none specified	Director	7/1/1997
Rep. John Bohlinger, Billings Qualifications (if required): none specified	Director	7/1/1997
Ms. Valerie Castle, Helena Qualifications (if required): none specified	Director	7/1/1997
Mr. Clyde Daily, Helena Qualifications (if required): none specified	Director	7/1/1997
Mr. Charlie Briggs, Helena Qualifications (if required): none specified	Director	7/1/1997
Ms. Barb Fabey, Missoula Qualifications (if required): none specified	Director	7/1/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Long Term Care Reform Advisory Council (Public Health and Human Services) Cont.		
Dr. Richard Offner, Missoula	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Gladys Harden, Missoula	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Paula Hassler, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Janice Connors, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Barbara Larson, Missoula	Director	7/1/1997
Qualifications (if required): none specified		
Mr. Bob Olson, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Mr. Bill Jones, Great Falls	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Bernice Bjertness, Billings	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Michelle Reed, Billings	Director	7/1/1997
Qualifications (if required): none specified		
Dr. Jonathon Stone, Missoula	Director	7/1/1997
Qualifications (if required): none specified		
Mr. James Anderson, Anaconda	Director	7/1/1997
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Long Term Care Reform Advisory Council (Public Health and Human Services) Cont.		
Mr. Fred Patten, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Rose Hughes, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Mr. Doug Blakley, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Mr. Mike Mayer, Missoula	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Marsha Vanderhoff, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Mr. Ron Caldwell, Helena	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Fern Prather, Big Timber	Director	7/1/1997
Qualifications (if required): none specified		
Mr. Robert Westerman, Great Falls	Director	7/1/1997
Qualifications (if required): none specified		
Mr. Phillip Wittekind, Missoula	Director	7/1/1997
Qualifications (if required): none specified		
Ms. Mary Alice Rehbein, Lambert	Director	7/1/1997
Qualifications (if required): none specified		
Dr. Dennis Zollar, Billings	Director	7/1/1997
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Long Term Care Reform Advisory Council (Public Health and Human Services) Cont. Sen. Mignon Waterman, Helena Qualifications (if required): none specified	Director	7/1/1997
MIAMI Project Advisory Council (Public Health and Human Services) Ms. Lil Anderson, Billings Qualifications (if required): representing local service providers	Governor	6/30/1997
Ms. Nancy Colton, Bozeman Qualifications (if required): representing parents organization	Governor	6/30/1997
Dr. Tom Key, Great Falls Qualifications (if required): obstetrician	Governor	6/30/1997
Ms. Betty Hidalgo, Great Falls Qualifications (if required): representing a nonprofit child health organization	Governor	6/30/1997
Mr. Dan Jorgenson, Helena Qualifications (if required): representing Department of Public Health and Human Services	Governor	6/30/1997
Ms. Mary Dalton, Helena Qualifications (if required): representing Department of Public Health and Human Services	Governor	6/30/1997
Ms. Jacquelyn Stonnell, Bozeman Qualifications (if required): representing a local health department	Governor	6/30/1997
Rep. Angela Russell, Lodge Grass Qualifications (if required): Native American involved in health services	Governor	6/30/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<u>Microbusiness Advisory Council (Commerce)</u>		
Mr. Stephen Mehring, Great Falls	Governor	6/30/1997
Qualifications (if required): revolving loan fund		
Mr. Mark Dahl, Butte	Governor	6/30/1997
Qualifications (if required): banker		
Ms. Billie Lee, Ronan	Governor	6/30/1997
Qualifications (if required): representing small cities		
Mr. Richard C. King, Havre	Governor	6/30/1997
Qualifications (if required): experience in revolving loan fund		
Mr. Jim Hollenback, West Superior	Governor	6/30/1997
Qualifications (if required): microbusiness owner		
Ms. Candace Eide, Glendive	Governor	6/30/1997
Qualifications (if required): representing low income groups		
Mr. Duane Kurokawa, Wolf Point	Governor	6/30/1997
Qualifications (if required): banker		
<u>Montana Library Services Advisory Council (State Library)</u>		
Ms. Nora Verpoorten, Plains	Director	6/1/1997
Qualifications (if required): none specified		
Ms. Margaret Kernan, Helena	Director	6/1/1997
Qualifications (if required): none specified		
Ms. Carolyn Salansky, Dupuyer	Director	6/1/1997
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

Board/current position holder	Appointed by	Term end
Montana Library Services Advisory Council (State Library) Cont.		
Ms. Gloria Wahl, Lewistown Qualifications (if required): none specified	Director	6/1/1997
Ms. Mary Lou Heppner, Westby Qualifications (if required): none specified	Director	6/1/1997
Ms. Mary Bushing, Bozeman Qualifications (if required): none specified	Director	6/1/1997
Rep. Ray Peck, Havre Qualifications (if required): none specified	Director	6/1/1997
Mr. Will Cowdrey, Missoula Qualifications (if required): none specified	Director	6/6/1997
Ms. Kathleen Bartlett, Clinton Qualifications (if required): none specified	Director	6/1/1997
Ms. Deborah Schlesinger, Helena Qualifications (if required): none specified	Director	6/1/1997
Ms. Susan Callaghan, Butte Qualifications (if required): none specified	Director	6/1/1997
Mr. Wesley S. Plann, Terry Qualifications (if required): none specified	Director	6/1/1997
Ms. Andrine Haas, Glendive Qualifications (if required): none specified	Director	6/1/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Mint Committee (Agriculture) Mr. Philip Clarke, Columbia Falls Qualifications (if required): mint grower	Governor	7/1/1997
Mr. Bruce Tutvedt, Kalispell Qualifications (if required): mint grower	Governor	7/1/1997
Montana Sentencing Commission (Corrections and Human Services) Mr. Mike Salvagni, Bozeman Qualifications (if required): county attorney	Governor	5/31/1997
Mr. Tony Harbaugh, Miles City Qualifications (if required): county sheriff	Governor	5/31/1997
Mr. John G. Thomas, Helena Qualifications (if required): member of Board of Pardons	Governor	5/31/1997
Mr. Frank DiPonzo, Sidney Qualifications (if required): chief of police	Governor	5/31/1997
Montana Special Education Advisory Panel (Office of Public Instruction) Ms. Maria Pease, Lodge Grass Qualifications (if required): parent of a child with disabilities	Superintendent	6/30/1997
Ms. Gail Marker, Billings Qualifications (if required): deaf/blind representative	Superintendent	6/30/1997
Ms. Mary Susan Fishbaugh, Billings Qualifications (if required): higher education	Superintendent	6/30/1997
Ms. Connie Hepburn, Philipsburg Qualifications (if required): parent of a child with disabilities	Superintendent	6/30/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

Board/current position holder	Appointed by	Term end
Montana Special Education Advisory Panel (Office of Public Instruction) Cont.		
Ms. Kim Miller, Lewistown	Superintendent	6/30/1997
Qualifications (if required): regular classroom teacher		
Mr. Joe Mathews, Helena	Superintendent	6/30/1997
Qualifications (if required): state agency		
Ms. Crystal Dreese, Billings	Superintendent	6/30/1997
Qualifications (if required): individual with a disability		
Ms. Kristie Brannman, Helena	Superintendent	6/30/1997
Qualifications (if required): individual with a disability		
Mr. Dale Lambert, Hobson	Superintendent	6/30/1997
Qualifications (if required): teacher of children with disabilities		
Montana State Veterans Cemetery Advisory Council (Military Affairs)		
Mr. Jim Heffernan, Helena	Adjutant General	5/1/1997
Qualifications (if required): none specified		
Mr. Fred Olson, Fort Harrison	Adjutant General	5/1/1997
Qualifications (if required): none specified		
Ms. Irma Paul, Helena	Adjutant General	5/1/1997
Qualifications (if required): none specified		
Mr. Robert C. McKenna, Helena	Adjutant General	5/1/1997
Qualifications (if required): none specified		
Mr. James W. Duffy, Helena	Adjutant General	5/1/1997
Qualifications (if required): none specified		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana State Veterans Cemetery Advisory Council Major Joel Cusker, Helena Qualifications (if required): none specified	(Military Affairs) Cont. Adjutant General	5/1/1997
Mr. Ray Read, Helena Qualifications (if required): none specified	Adjutant General	5/1/1997
Ms. Alma Dickey, Helena Qualifications (if required): none specified	Adjutant General	5/1/1997
Mr. Herb Ballou, Helena Qualifications (if required): none specified	Adjutant General	5/1/1997
Mr. Carl L. Nordberg, Helena Qualifications (if required): none specified	Adjutant General	5/1/1997
Mr. James F. Jacobsen, Helena Qualifications (if required): none specified	Adjutant General	5/1/1997
Mr. Ruddy Reilly, Helena Qualifications (if required): none specified	Adjutant General	5/1/1997
Ms. Rose Marie Storey, Helena Qualifications (if required): none specified	Adjutant General	5/1/1997
Mr. Mickey Nelson, Helena Qualifications (if required): none specified	Adjutant General	5/1/1997
Mr. Lee Dickey, Helena Qualifications (if required): none specified	Adjutant General	5/1/1997
Mr. M. Herbert Goodwin, Helena Qualifications (if required): none specified	Adjutant General	5/1/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana State Veterans Cemetery Advisory Council (Military Affairs) Cont. Mr. Dick Baumberger, Helena Qualifications (if required): none specified	Adjutant General	5/1/1997
Mr. George Paul, Helena Qualifications (if required): none specified	Adjutant General	5/1/1997
Motorcycle Safety Advisory Committee (Office of Public Instruction) Ms. Anita Drews, East Helena Qualifications (if required): none specified	Attorney General	7/1/1997
Mr. Timothy W. Lindeborg, Bonner Qualifications (if required): represents motorcycle group	Governor	7/1/1997
Mr. Guy Ronald Smith, Sunburst Qualifications (if required): certified motorcycle safety instructor	Director	7/1/1997
Noxious Weed Advisory Council (Agriculture) Mr. Bob Ullom, Billings Qualifications (if required): herbicide dealer and applicator	Director	6/30/1997
Ms. Nancy Thuesen, Reserve Qualifications (if required): from a consumer group	Director	6/30/1997
Mr. Dane Castleberry, Ekalaka Qualifications (if required): representing livestock production	Director	6/30/1997
Mr. W. Ralph Peck, Helena Qualifications (if required): director of Department of Agriculture	Director	6/30/1997
Mr. Charles M. Jarecki, Polson Qualifications (if required): at large member	Director	6/30/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Noxious Weed Advisory Council (Agriculture) Cont.		
Mr. Keith Derks, Moccasin	Director	6/30/1997
Qualifications (if required): representing agriculture crop production		
Mr. Terry Turner, Havre	Director	6/30/1997
Qualifications (if required): from the Montana Weed Control Association		
Rep. Robert Thoft, Stevensville	Director	6/30/1997
Qualifications (if required): representing biological research and control interests		
Ms. Linda Ellison, Bozeman	Director	6/30/1997
Qualifications (if required): from sportsman/wildlife group		
Mr. Dan DeBuff, Shawmut	Director	6/30/1997
Qualifications (if required): none specified		
Petroleum Tank Release Compensation Board (Health and Environmental Sciences)		
Ms. Diane Savage, Sidney	Governor	6/30/1997
Qualifications (if required): public member		
Mr. Gary Tschache, Bozeman	Governor	6/30/1997
Qualifications (if required): represents service station dealers		
Point of Sale Advisory Council (Fish, Wildlife and Parks)		
Mr. Bob Lefever, Butte	Director	5/22/1997
Qualifications (if required): none specified		
Postsecondary Education Policy and Budget Committee (Legislative Fiscal Analyst)		
Mr. Tobin Morris, Bozeman	Governor	6/30/1997
Qualifications (if required): student representative		
Ms. Pat Haffey, Helena	Governor	6/30/1997
Qualifications (if required): representative of the executive branch		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Library Commission (Education)		
Ms. Eleanor N. Gray, Miles City	Governor	5/22/1997
Qualifications (if required): public member		
Ms. Peggy Guthrie, Choteau	Governor	5/22/1997
Qualifications (if required): public member		
SummitNet Executive Council (Education)		
Mr. Gregg Groepper, Helena	Governor	6/30/1997
Qualifications (if required): none specified		
Mr. Michael (Mick) J. Robinson, Helena	Governor	6/30/1997
Qualifications (if required): Information Technology Advisory Council representative		
Dr. Richard Crofts, Helena	Governor	6/30/1997
Qualifications (if required): Interim Commissioner of Higher Education		
Ms. Lois A. Menzies, Helena	Governor	6/30/1997
Qualifications (if required): director of the Department of Administration		
Mr. Bob Person, Helena	Governor	6/30/1997
Qualifications (if required): Information Technology Advisory Council representative		
Ms. Janet Kelly, Miles City	Governor	6/30/1997
Qualifications (if required): local government representative		
Mr. Dennis M. Taylor, Helena	Governor	6/30/1997
Qualifications (if required): Information Technology Advisory Council representative		

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Teachers' Retirement Board (Administration)		
Superintendent Nancy Keenan, Helena	Governor	7/1/1997
Qualifications (if required): Superintendent of Public Instruction		
Mr. John Kranick, Great Falls		
Qualifications (if required): retired teacher	Governor	7/1/1997
Ms. Sharon Oftedal, Miles City		
Qualifications (if required): public member	Governor	7/1/1997
Tourism Advisory Council (Commerce)		
Mr. Terry Abelin, Bozeman	Governor	7/1/1997
Qualifications (if required): skier		
Ms. Donna Madson, West Yellowstone		
Qualifications (if required): public member	Governor	7/1/1997
Mr. Craig Smith, Wolf Point		
Qualifications (if required): Native American	Governor	7/1/1997
Ms. Hazel Leuprecht, Butte		
Qualifications (if required): public member	Governor	7/1/1997
Youth Justice Advisory Council (Justice)		
Mr. Craig Anderson, Glendive	Governor	6/16/1997
Qualifications (if required): public member		
Mr. Stephen Nelsen, Bozeman		
Qualifications (if required): public member	Governor	6/16/1997
Judge Diana Barz, Billings		
Qualifications (if required): public member	Governor	6/16/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Justice Advisory Council (Justice) Cont. Mr. Rick Day, Helena Qualifications (if required): public member	Governor	6/16/1997
Mr. Al Davis, Helena Qualifications (if required): public member	Governor	6/16/1997
Ms. Kate Mrgudic, Missoula Qualifications (if required): public member	Governor	6/16/1997
Judge Catherine Aragon, Harlem Qualifications (if required): public member	Governor	6/16/1997
Ms. Gail Gray, Helena Qualifications (if required): public member	Governor	6/16/1997
Mr. Allen Horsfall, Hamilton Qualifications (if required): public member	Governor	6/16/1997
Mr. Kim Olson, Bozeman Qualifications (if required): public member	Governor	6/16/1997
Rep. Royal C. Johnson, Billings Qualifications (if required): public member	Governor	6/16/1997
Ms. Sally Stansberry, Missoula Qualifications (if required): public member	Governor	6/16/1997
Mr. Hank Hudson, Helena Qualifications (if required): public member	Governor	6/16/1997
Judge Ted O. Lympus, Kalispell Qualifications (if required): public member	Governor	6/16/1997

VACANCIES ON BOARDS AND COUNCILS -- May 1, 1997 through July 31, 1997

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Youth Justice Advisory Council Captain Kevin Clader, Missoula Qualifications (if required): public member	Governor	6/16/1997
Mr. Pat Lovett, Helena Qualifications (if required): public member	Governor	6/16/1997