

HOUSE JOINT RESOLUTION NO. 41

INTRODUCED BY L. NELSON, JERGESON, ELLIOTT, SCOTT, STEPPLER,
BARDANOUE, G. BECK, SCHYE, BARNETT, CODY, KELLER, HAYNE,
J. DEBRUYCKER, LARSON, BACHINI, MADISON, J. JOHNSON,
PHILLIPS, R. DEBRUYCKER, M. HANSON, MCCAFFREE, REA,
WEEDING, WILLIAMS, NATHE, DEVLIN, TVEIT, AKLESTAD,
BRUSKI, KOEHNKE, T. BECK, SWIFT, FOSTER, BERGSAGEL

BY REQUEST OF THE HOUSE AGRICULTURE,
LIVESTOCK, AND IRRIGATION COMMITTEE

IN THE HOUSE

FEBRUARY 20, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON AGRICULTURE, LIVESTOCK, & IRRIGATION.

FIRST READING.

FEBRUARY 23, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

FEBRUARY 25, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.

ENGROSSING REPORT.

FEBRUARY 26, 1991 THIRD READING, PASSED.
AYES, 99; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 26, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON AGRICULTURE, LIVESTOCK, & IRRIGATION.

FIRST READING.

MARCH 7, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 12, 1991 SECOND READING, CONCURRED IN.

MARCH 13, 1991 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 16, 1991

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 18, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House JOINT RESOLUTION NO. 41

INTRODUCED BY *[Handwritten signatures]*

BY REQUEST OF THE HOUSE AGRICULTURE, LIVESTOCK, AND IRRIGATION COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO RESOLVE THE MCCARTY FARMS CASE.

WHEREAS, Montana grain shippers commenced court action against the Burlington Northern Railroad in 1980, alleging that the railroad charged unjust and unreasonable rates for the shipment of wheat in violation of 49 U.S.C. 10701; and

WHEREAS, this court action, popularly known as the "McCarty Farms Case", was referred to the Interstate Commerce Commission (ICC) in 1981; and

WHEREAS, since the commencement of the action, the ICC has reopened the case six times, with the possibility of a seventh reopening in the near future; and

WHEREAS, the last occasion on which the ICC took action on the McCarty Farms Case was in 1989; and

WHEREAS, the ICC has experienced a 100% turnover in membership since the McCarty Farms Case was initiated; and

WHEREAS, these continued delays make a final resolution in favor of the State of Montana and Montana's grain

shippers more difficult to obtain; and

WHEREAS, the complaints in the McCarty Farms Case number 14,000; and

WHEREAS, many of the wheat and barley shippers who brought the original suit are leaving the business or dying, thereby losing their ability to share in the ultimate settlement of the case; and

WHEREAS, the settlement of the McCarty Farms Case will establish the basis for freight rates in the future; and

WHEREAS, there is a growing sense of dismay among Montana grain shippers about the delays in the resolution of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That Montana's Congressional Delegation be urged to expedite hearings by the appropriate congressional committees on the progress of the Interstate Commerce Commission in resolving the McCarty Farms Case and related cases.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to each member of Montana's Congressional Delegation, to the Chairman of the Interstate Commerce Commission, and to the Director of the Montana Department of Commerce.

-End-
-2-

INTRODUCED BILL
HJR 41



1 *House* JOINT RESOLUTION NO. *41*
 2 INTRODUCED BY *L. Nelson Ferguson* *Cliff* *McEwen*
 3 *Stapp* BY REQUEST OF THE HOUSE AGRICULTURE, *Calvin*
 4 *Barbara* LIVESTOCK, AND IRRIGATION COMMITTEE *Walter* *J. DeBruin*
 5 *Bochini* *Maleson*
 6 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 7 REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED
 8 STATES CONGRESS TO RESOLVE THE MCCARTY FARMS CASE.

9
 10 WHEREAS, Montana grain shippers commenced court action
 11 against the Burlington Northern Railroad in 1980, alleging
 12 that the railroad charged unjust and unreasonable rates for
 13 the shipment of wheat in violation of 49 U.S.C. 10701; and

14 WHEREAS, this court action, popularly known as the
 15 "McCarty Farms Case", was referred to the Interstate
 16 Commerce Commission (ICC) in 1981; and

17 WHEREAS, since the commencement of the action, the ICC
 18 has reopened the case six times, with the possibility of a
 19 seventh reopening in the near future; and

20 WHEREAS, the last occasion on which the ICC took action
 21 on the McCarty Farms Case was in 1989; and

22 WHEREAS, the ICC has experienced a 100% turnover in
 23 membership since the McCarty Farms Case was initiated; and

24 WHEREAS, these continued delays make a final resolution
 25 in favor of the State of Montana and Montana's grain

1 shippers more difficult to obtain; and

2 WHEREAS, the complaints in the McCarty Farms Case number
 3 14,000; and

4 WHEREAS, many of the wheat and barley shippers who
 5 brought the original suit are leaving the business or dying,
 6 thereby losing their ability to share in the ultimate
 7 settlement of the case; and

8 WHEREAS, the settlement of the McCarty Farms Case will
 9 establish the basis for freight rates in the future; and

10 WHEREAS, there is a growing sense of dismay among
 11 Montana grain shippers about the delays in the resolution of
 12 this issue.

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 14 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 15 OF REPRESENTATIVES OF THE STATE OF MONTANA:

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 17 expedite hearings by the appropriate congressional
 18 committees on the progress of the Interstate Commerce
 19 Commission in resolving the McCarty Farms Case and related
 20 cases.

21 BE IT FURTHER RESOLVED, that copies of this resolution
 22 be sent to each member of Montana's Congressional
 23 Delegation, to the Chairman of the Interstate Commerce
 24 Commission, and to the Director of the Montana Department of
 25 Commerce.

-End-
 -2-
 THIRD READING
 HJR 41
 CONSENT CALENDAR



SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 7, 1991

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration House Joint Resolution No. 41 (third reading copy -- blue), respectfully report that House Joint Resolution No. 41 be amended and as so amended be concurred in:

1. Page 2, line 2.
Strike: "complaints"
Insert: "complainants"

2. Page 2, line 8.
Strike: "settlement"
Insert: "resolution"

Signed: Greg Jergeson
Greg Jergeson, Chairman

LB 3/7/91
Amd. Coord.

SB 3/7 1:10
Sec. of Senate

SENATE
HJR 41

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 8 BY REQUEST OF THE HOUSE AGRICULTURE,
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 20 "McCarty Farms Case", was referred to the Interstate
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7 WHEREAS, the ~~complaints~~ COMPLAINANTS in the McCarty
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 10 brought the original suit are leaving the business or dying,
 11 thereby losing their ability to share in the ultimate
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13 WHEREAS, the ~~settlement~~ RESOLUTION of the McCarty Farms
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