

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION COMMITTEE  
MONTANA STATE SENATE

February 15, 1979

The Sixteenth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Buidling at 12:30 p.m.

ROLL CALL: All members were present with Senator Healy and Manning arriving late.

CONSIDERATION OF SENATE BILL 450: Mr. William Romine, Montana Wrecking Yard Association, told the committee that as a result of Senate Bill 113, it was learned that the present law allowing the sheriff to pick up abandoned cars on private property was a mistake. Therefore Senate Bill 450 was introduced as a committee bill. This bill will allow the city police, in the city, and the sheriff, in the county, to pick up cars which have been abandoned on private property. This will protect both the city dweller and those living outside the city. There are many instances where people abandon their cars on private property. This can occur when rentors move, or in similar situations, on where a car breaks down and the owner pushes it onto private property and abandons it. This bill will relieve the innocent land owner of the expense of removal.

Chairman Etchart asked if there were any other proponents. There were none. There being no opponents or questions from the committee, the hearing was closed.

ACTION ON SENATE BILL 450: Senator Hazelbaker made the motion to DO PASS Senate Bill 450.

The committee voted unanimously to DO PASS Senate Bill 450. Motion carried.

CONSIDERATION OF SENATE BILL 452: Senator Palmer, Chief sponsor of the bill, was not present at the hearing. He had talked to Chairman Etchart, requesting that the bill be tabled for awhile. There were no proponents to SB 452.

Chairman Etchart asked if there were any opponents to SB 452.

Larry Huss, an Attorney in Helena representing the Montana Motor Carrier Association told the committee that on a nationwide basis, we have existed under basically two forms of transacting business. The one form is a controlled entry as to who may participate and the other form also controls the rates and the materials that are to be transported. This led to large mono-

polies many years ago. Senate Bill 452 attempts to take the worst of both features. The very worst would be to have a free entry into market and a controlled price. That is what Senate Bill 452 does. We have some statistics that were drawn from the Public Service Commission for motor carriers. See Exhibit "B". I would just note that from 1975 to the current date some 204 applications have been made. Out of those 65.17% were granted full authority to operate and another 21.30% had a partial authority granted. Therefore, 82.6% that came before the Commission were granted authority. This is not a consumers' bill. You don't deal with the consuming public directly. The motor carriers deal with the middlemen. The PSC has done an excellent job of assuring that the rates are reasonable. There is not a great influx of requested authorities to service small communities. With deregulation these small communities would probably suffer from lack of service because there isn't a great deal of money to be made there. When you are dealing with the motor carrier business under a regulated business the types of things that the state controls are: (1) pricing; (2) requires you to accept all shipment tendered in your area; (3) PSC has an assumative duty to insure there is adequate service available throughout the state of Montana. If there are emergencies, the Public Service Commission has authority to seek a carrier to take care of the emergency. The final thing is that the motor carrier cannot terminate his service without permission of the PSC. We hope the committee gives this a DO NOT PASS.

Chairman Etchart asked if there were any other opponents to SB 452.

Joe Rossman, Teamsters, said the bill was awfully vague in it's language. He thought it would lead to a lot of bankruptcy. The American dream of owning your own business would suffer. I think the commission is doing a good job today in regulating and providing service. I recommend a DO NOT PASS.

Chairman Etchart asked if there were any questions from the committee: There were none.

Senator Kolstad said that because of the detrimental effect of this bill, I move that we DO NOT PASS Senate Bill 452.

The committee voted unanimously to DO NOT PASS Senate Bill 452. The motion carried.

CONSIDERATION OF SENATE BILL 473: Senator B. Brown, District 10 told the committee a lot of thought went into this bill. However, some kind of problem has developed and introduced Mr. William Romine to explain.

William Romine representing the Montana Solid Waste Contractor Association said under the present law, all persons transporting property or persons for hire in Montana must have a Certificate of Public Convenience and Necessity from the Public Service Commission. There are certain exceptions, and one of them concerns the transportation of property in a city, town or village with a population

of less than 500 persons and the commercial areas thereof. This exception was alright until 1977 when a special Class D Certificate became required by Statute. Class D carriers are those that transport ashes, trash, waste, refuse, rubbish, garbage and organic and inorganic matters.

Class A, B and C carriers really do not get involved in these small communities. However, Class D carriers have certificates which cover such areas. They are required to supply their service to anyone in their area who asks for it. There could be 100 or more houses in such an area. If a person decided to go into competition with the carrier in that area, he could do so without being required to get a Class D Certificate. He could possibly siphon off 80 or 90 houses, but the Class D carrier would still have to pick up the garbage for the other 10 or 20 houses.

The Class D carriers, who are members of the Solid Waste Contractors Association, are not trying to stop competition. However, they believe that everyone should have to compete on the same basis. This Bill would not stop competition; it would only require that the prospective competitor apply for a certificate, just as everyone else does, and follow the rules and regulations of the Public Service Commission.

Section 2 of the bill only requires that a Class D carrier actually perform the services for which the certificate is issued. In 1977, many A, B and C carriers were issued Class D certificates because of a somewhat improper interpretation of the law. This section requires that all such carriers actually provide garbage and refuse service as part of their usual business. If they do not, they should not have the certificate.

Finally, Section 3 merely amends the reporting requirement, so that the Class D carriers provide the Public Service Commission, in their annual reports, sufficient information so it can be demonstrated, from the report, that the carrier is actually supplying such a service.

A Certificate of Public Convenience is an item of property, and it can be bought and sold (subject to P.S.C. approval). A Class D carrier should not be entitled to hold his certificate in a dormant state while another carrier builds up a market, and then use the certificate to the disadvantage of the carrier who has been providing the service all along. This Bill would require the carrier to provide the service or he could lose his certificate.

Chairman Etchart asked if there were any other proponents. There were none. He asked if there were any opponents.

Wayne Budt, Public Service Commission, reported the problem that the PSC has with this is the Grandfather right. There are four reasons we oppose SB 473: (1) Present Carriers - Grandfather; (2) No complaints from small towns on service; (3) Might create 200-300 more carriers, need more personnel; (4) enforcement of something that has not been regulated for over

30 years. Also, all these new carriers would have to comply with annual reports, and insurance.

Chairman Etchart asked if there were any other opponents to SB 473.

William J. Opitz, Montana Public Service Commission, said the increased expense of regulation will discourage present unregulated garbage haulers out of business, and result in small communities without service.

Chairman Etchart asked if there were any other opponents to SB 473.

Vester Wilson, Darby, MT; with the Montana Solid Waste Contractors said their basic problem is that they have to go into the areas of small towns, and when they speak of all these 300 towns, this is not the case, most of the time. Most little towns are governed by someone who is regulated by the PSC. As it is now, they don't have to have requirements under our Health Codes. There is no way they can be governed. We are not out to hurt anybody, but we feel it would help the people in these small areas to give better service. Many areas of these small towns that get picked one week may not be picked up again for three weeks. Whereas, we go in there every week. We take care of the people. We have this responsibility. Take the case of a small town and the man who hauls garbage gets ill, and the service is interrupted. This is how we get into these small towns. As it is set up now, you could have the largest service in Montana and never have a license. We just feel we should have a DO PASS on this bill.

Chairman Etchart asked if there were any questions from the committee:

Senator Hazelbaker asked Wayne Budt if he leaned on Francis Bardanouve to give them more money for the insurance policies, would that work. Mr. Budt, said he doubted that.

Senator Graham asked Senator Brown if he introduced this bill because these people felt it was necessary to come under regulations about this. Senator Brown said John Belt was the original man to push this bill, because of the problem in these smaller areas.

Senator Graham stated he was leary of this bill and did not know what advantage the bill has.

William Romine said the Class "D" motor carrier is required to give service. He must give service or lose his certificate.

Senator Graham asked about the cost.

Mr. Romine, replied that they are already doing service in these areas.

Lester E. Folbog, D & F Sanitation, said the Class "D" carriers that are doing that, still will have to do that. The problem we are running into is we go to a town and pick up 5 people. Say you service this area for 8 years, giving service that is needed and the town starts to grow. Another guy decides to pick up a few extra dollars and he goes into the garbage hauling business and does so without a license. Pretty soon you get a conglomeration of people hauling garbage with no license. And here I sit, after 8 years of service, and paying insurance and license fees and filling out reports.

There being no further questions of the committee, the hearing on SB 473 was closed.

CONSIDERATION OF SENATE BILL 435: This bill was sponsored by Senator Mehrens. Senator Mehrens introduced Hank Burgess.

Hank Burgess, Parole Board, asked the committee to give serious consideration to Senate Bill 435. This bill was written by request of the Board of Pardons to relieve the pressure on the Parole Board members. These members serve four years, meeting two days a month, for hearing in Deer Lodge. In preparation for the hearing, we have to read three to five days. On occasion, board members have wanted to miss hearings for various reasons, but felt an obligation to serve in this capacity and have not taken the time off. The Board can function with two members, but are skiddish. They would rather serve with three members. This bill would allow an auxiliary board member to serve only in the absence of an individual member. We are concerned that the board member would have someone to take his place and be prepared. There is very little cost. A few meetings for orientation might be all the cost that is required.

Chairman Etchart asked if there were any other proponents to SB 435. There were none. Chairman Etchart asked if there were any opponents to SB 435. There were none. He asked if there were questions from the Committee:

Senator Kolstad asked Mr. Burgess if getting a quorum at these meetings has caused problems, because of vacancies, to carry out the duties of the Board.

Senator Graham asked if the auxiliary member would have to have special training and knowledge related to Indian background.

Mr. Burgess replied No to both Senator Kolstad and Graham.

There being no other questions from the committee the Hearing was closed.

ACTION ON SENATE BILL 435: Senator Healy made the motion to DO PASS Senate Bill 435.

The committee voted unanimously to DO PASS Senate Bill 435. The motion carried.

CONSIDERATION OF SJR 23: Senator Van Valkenburg, sponsor, said the resolution came about when my wife and I discovered that taking our one-year-old child on a bus meant putting him in a car seat, but no way to restrain him on the bus. I think the national evidence is such that seat belts tend to save lives. This bill does not require any party to wear them, but there are those that want them on the commercial bus lines. I think that the PSC could make some judgement as to whether 2 or 3 or 5 or 10 seat belts would be enough to take care of those people who want to wear them. I don't intend for this to apply to school buses because of the cost factor. For the commercial buslines, the cost factor would be passed on to the customer. I ask you to give serious consideration to DO PASS this bill.

Chairman Etchart asked if there were any opponents to SJR 23.

William E. O'Leary, representing the Montana Bus Passenger Carriers, informed the committee the companies he represents go from Greyhound down to Brown Buslines in Kalispell, Rimrock Stages. We oppose the resolution for the following reasons: According to the evidence I have received, seat belts were considered by the Department of Transportation starting back 1960's. They were last fully reviewed in 1975. Their conclusion was that there were sufficient safety factors in the buses themselves. Over and above that, I would like to relate an example of the cost of a set of seat belts, which is about \$20.00. A year ago Rimrock Stages revenue for the entire year was \$6,800. It would cost \$3,200 to put seat belts in the buses that they own. Over and above that, I have been in contact with Greyhound Bus Lines Personnel and there is no frame in a bus, such as in a truck or automobile. What you have is metal supports running across the bus, plywood, etc. TCC regulations requires seatbelts for drivers only and that they be bolted to the floor. In order to bolt the seatbelts to the floor, all the seats would have to be removed and steel plating put in. This is too costly.

Senator Van Valkenburg said, I am not talking about every seat on the bus. I think the PSC can design laws that every seat is not required to have a seat belt. Finally, I think the PSC can design laws for small bus lines, so they could deal with different installation instructions.

Chairman Etchart asked if there were any questions from the committee.

Senator Kolstad said he envisioned problems with this bill. Let's say the bus does have an accident. Possibly 4 or 5 people wearing seat belts are not hurt and the rest of the people are killed. There could be law suits. If you are going to have seat belts, all should have access to them.

Senator Van Valkenburg said that the bus lines would be protected in case of law suit if they were following the PSC regulations.

Senator Hager said he had seen a lot of safety measures and precautions come through the Legislature, and he has not seen this for school buses.

Senator Van Valkenburg said he did not envision infants riding school buses.

Senator Kolstad asked if this bill is designed primarily for infants?

Senator Van Valkenburg, said no, for anyone who wants to use them.

Chairman Etchart asked if there were any other questions from the committee. There were none. The hearing was closed.

CONSIDERATION AND ACTION ON SR 2: SR 2 came about from Senator McCallum's SJR 7. SR 2 is a committee bill. There being discussion on this previously, Senator Hager made the motion to DO PASS SR 2. The motion carried unanimously, all in favor.

ACTION ON SJR 23: Senator Hager made the motion to DO NOT PASS SJR 23. Senator Kolstad seconded that motion. The committee voted 6 to 1 to DO NOT PASS SJR 23. Senator Manning voted to Pass. The motion carried.

FURTHER BUSINESS: There being no further business, the meeting adjourned.

  
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SENATOR MARK ETCHART, CHAIRMAN

2-15-79

ROLL CALL

Highway COMMITTEE  
46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	late ✓		
Frank W. Hazelbaker	✓		
Allen C. Kolstad	✓		
Carroll A. Graham	✓		
Dave Manning	✓ late		
John E. Healy (Jack)	late ✓		

Each Day Attach to Minutes.





"A"

NAME: William L. Ramirez DATE: 2-15-79

ADDRESS: P.O. Box 1691 Helena

PHONE: 442-2220

REPRESENTING WHOM? Mont. Automotive Dismantlers & Recyclers Assn.

APPEARING ON WHICH PROPOSAL: S.B. 450

DO YOU: SUPPORT? x AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: As a result of S.B. 113, it was learned that the present law allowing the sheriff to pick up abandoned cars on private property was a mistake. Therefore S.B. 450 was introduced as a committee bill. This bill will allow the city police, in the city, and the sheriff, in the county, to pick up cars which have been abandoned on private property. This will protect both the city dwellers and those living outside the city. There are many instances where people abandon their cars on private property. This can occur when renters move, or in similar situations, or where a car breaks down and the owner pushes it onto private property and abandons it. This bill will relieve the innocent land owner of the expense of removal.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# MONTANA MOTOR CARRIERS ASSOCIATION INC.

LEONARD W. ECKEL, EXECUTIVE VICE PRESIDENT  
1727 ELEVENTH AVE., HELENA, MONTANA 59601  
TELEPHONE: AREA CODE 406-442-6600

11B11

## APPLICATIONS FOR MOTOR CARRIER AUTHORITY BEFORE THE PUBLIC SERVICE COMMISSION

1975 - to Current

204 Applications  
16 Withdrawn  
10 Pending

178 Cases decided

116 Granted	65.17%	
38 Granted in Part	21.35%	86.52%
24 Denied	13.48%	

1977 - to Current

130 Applications  
8 Pending

122 Cases decided		
67 Granted in Full	54.92%	
42 Granted in Part	34.43%	89.35%
13 Denied	10.65%	

MEMBER



11611  
William L. Romine  
P.O. Box 1891 Helena  
Mont. Solid Waste Contractors Assn.  
Support.

SENATE BILL 473.

Under the present law, all persons transporting property or persons for hire in Montana must have a Certificate of Public Convenience & Necessity from the Public Service Commission. There are certain exceptions, and one of them concerns the transportation of property in a city, town or village with a population of less than 500 persons and the commercial areas thereof. This exception was alright until 1977 when a special Class D Certificate became required by Statute. Class D carriers are those that transport ashes, trash, waste, refuse, rubbish, garbage and organic and inorganic matters.

Class A, B and C carriers really do not get involved in these small communities. However, Class D carriers have certificates which cover such areas. They are required to supply their service to anyone in their area who asks for it. There could be 100 or more houses in such an area. If a person decided to go into competition with the carrier in that area, he could do so without being required to get a Class D Certificate. He could possibly siphon off 80 or 90 houses, but the Class D carrier would still have to pick up the garbage for the other 10 or 20 houses.

The Class D carriers, who are members of the Solid Waste Contractors Association, are not trying to stop competition. However, they believe that everyone should have to compete on the same basis. This Bill would not stop competition; it would only require that the prospective competitor apply for a certificate, just as everyone else

NAME: Wayne Budd DATE: \_\_\_\_\_

ADDRESS: 1227 11<sup>th</sup> Ave

PHONE: 449-2549

REPRESENTING WHOM? Mont Public Service Comm

APPEARING ON WHICH PROPOSAL: SW73

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: 1. Present Carriers - Grandfather

2. No Complaints from Small towns  
on Service

3. Might create 200-300 more  
carriers need more persons

4. Enforcement of something - but  
has not been regulated for over  
30 years

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: William J. Opitz DATE: 2/15/79

ADDRESS: 2 Wood Ct. Helena, Mont.

PHONE: 443-3624

REPRESENTING WHOM? MPSC

APPEARING ON WHICH PROPOSAL: SB-473

DO YOU: SUPPORT?        AMEND?        OPPOSE? X

COMMENTS: The increased expense of regulation  
will discourage present unregulated  
garbage haulers out of business, and  
result in small communities without  
service.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: William E. Cheary DATE: 7-15-79

ADDRESS: Arcade Bldg, Suite 40

PHONE: 443-4011

REPRESENTING WHOM? Western Bus Passenger Council

APPEARING ON WHICH PROPOSAL: SJR 23

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mike Rice DATE: 2-15-79

ADDRESS: Box 3644, Cot. Falls, NH 05943

PHONE: 706-4154-3496

REPRESENTING WHOM? Rice Truck Lines

APPEARING ON WHICH PROPOSAL: S 13 452

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: LARRY HINES DATE: 2/15/79

ADDRESS: 107 7th Ave

PHONE: 442-8070

REPRESENTING WHOM? MONTANA Hotel Carriers Assoc.

APPEARING ON WHICH PROPOSAL: SB 452

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# STANDING COMMITTEE REPORT

February 15 19 79

MR. President:

We, your committee on Highways and Transportation

having had under consideration Senate Resolution Bill No. 2

Respectfully report as follows: That Senate Resolution Bill No. 2

DO PASS

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# STANDING COMMITTEE REPORT

February 15 19 79

MR. **President:**

We, your committee on **Highways and Transportation**

having had under consideration **Senate** Bill No. **435**

Respectfully report as follows: That **Senate** Bill No. **435**

DO PASS

*Mark Etcilart*  
SENATOR MARK ETCILART

Chairman.

*1/0*

# STANDING COMMITTEE REPORT

February 15 19 79

MR. President:

We, your committee on Highways and Transportation

having had under consideration Senate Joint Resolution Bill No. 23

Respectfully report as follows: That Senate Joint Resolution Bill No. 23

~~DO PASS~~  
DO NOT PASS

# STANDING COMMITTEE REPORT

February 15, 1979

MR. **President:**

We, your committee on **Highways and Transportation**

having had under consideration **Senate** Bill No. **450**

Respectfully report as follows: That **Senate** Bill No. **450**

DO PASS

# STANDING COMMITTEE REPORT

..... February 15 ..... 19 79 .....

MR. President: .....

We, your committee on ..... Highways and Transportation .....

having had under consideration ..... Senate ..... Bill No. 452 .....

Respectfully report as follows: That ..... Senate ..... Bill No. 452 .....

~~DO PASS~~  
DO NOT PASS

SENATE COMMITTEE Highways & Transportation

Date 2-15-79 Senate Bill No. 450 Time \_\_\_\_\_

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carol Fossier  
Secretary

Mark Etchart  
Chairman

Motion: \_\_\_\_\_  
Do Pass Senate Bill 450  
 \_\_\_\_\_  
 \_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date 2-15-79 Senate Bill No. 452 Time \_\_\_\_\_

NAME	YES	NO
Mark Etchart, Chairman		✓
Tom V. Hager, Chairman		✓
Frank W. Hazelbaker		✓
Allen C. Kolstad		✓
Carroll A. Graham	<i>Vote changed from yes to no</i>	✓
Dave Manning		✓
John E. Healy		✓

Carol Forcier  
Secretary

Mark Etchart  
Chairman

Motion: \_\_\_\_\_  
*Do Not Pass*  
 \_\_\_\_\_  
 \_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)



SENATE COMMITTEE Highways & Transportation

Date 2-15-79 Senate Bill No. 435 Time \_\_\_\_\_

NAME	YES	NO
Mark Etchart, Chairman	/	
Tom V. Hager, Chairman	/	
Frank W. Hazelbaker	/	
Allen C. Kolstad	/	
Carroll A. Graham	/	
Dave Manning	/	
John E. Healy	/	

Carol Frasier  
Secretary

Mark Etchart  
Chairman

Motion: \_\_\_\_\_  
Do Pass  
 \_\_\_\_\_  
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(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date 2-15-79 SR Bill No. 23 Time \_\_\_\_\_

NAME	YES	NO
Mark Etchart, Chairman		✓
Tom V. Hager, Chairman		✓
Frank W. Hazelbaker		✓
Allen C. Kolstad		✓
Carroll A. Graham		✓
Dave Manning		✓
John E. Healy		✓

Carol Francis  
Secretary

Mark Etchart  
Chairman

Motion: \_\_\_\_\_  
 \_\_\_\_\_  
Do Not Pass  
 \_\_\_\_\_  
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(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date 2-15-79 SR Bill No. 2 Time \_\_\_\_\_

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carl Finner  
Secretary

Mark Etchart  
Chairman

Motion: \_\_\_\_\_  
Do Pass  
\_\_\_\_\_  
\_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)