MINUTES OF THE MEETING HIGHWAYS AND TRANSPORTATION COMMITTEE MONTANA STATE SENATE

March 15, 1979

The Twenty-fifth meeting of the Highways and Transportation Committee was called to order by the Chairman, Senator Mark Etchart, in Room 410 of the State Capitol Building at 1:00 p.m., on March 15, 1979.

Roll Call: All members were present with the exception of Senator Hager.

CONSIDERATION OF HOUSE JOINT RESOLUTION 36: Representative Nathe, House District No. 1, told the committee House Joint Resolution 36 is a small simple resolution, asking the Senate and the House of Representatives of the State of Montana, urging development of the Missouri River Channel in order to accomodate barge traffic to transport cereal grains and other cargo. In February 1977, a study on the whole grain system was completed, and part of that study just hit slightly on transportation. This resolution would be an advantage for the Army Corps of Engineers to do a real detailed study on this, as far as the economic feasibility. are five dams on the Missouri. The barge line should be presented as another form of transportation. At this point in time, we have a railroad which is having bankruptcy problems. This causes transportation problems, and this in turn is costing the northern part of the State of Montana a lot of money. I feel that if we have a barge line coming into the eastern part of Montana, it would have an impact on the sky rocketing rates. I think a barge line could hold the freight increases down. As far as the actual expenses on the Barge Line and on the extension, I don't have any figures on That takes a detailed study. You would not have to channelize. Locks would be an expensive way to go. A simple way would be to winch the barge's up and over the dam by way of tracks.

Senator Etchart asked if there were any other proponents.

Chris Johansen, Montana Farmers Union, Montana Grain Elevators Association, from Great Falls, told the committee they support this resolution. I support anything that would help alleviate the grain transportation problems at the present time. We are in a precarious situation due to lack of transportation. There are substantial penalties due to late arrivals. This situation was very acute in July of 1977 and has progressively worsened. Barge facilities would help open up a market for grain transportation for Eastern Montana to the Minnesota and Deluth markets. West coast prices are higher than the Minnesota market.

Senator Etchart asked if there were any other proponents.

Kenneth D. Clark, United Transportation Union, from Miles City, told they committee they support neither one. He offered an amendment and passed it out. (See Exhibit "A")

Senator Etchart asked if there were any other proponents, there

were none. He asked if there were any opponents.

Gordon McGowan, Montana Railroad Association, Highwood, Montana, said he agreed with Representative Nathe. The problems we are having with box cars and the movement of grain is great. I will support this every way I know how, but there are other things to I would like to pass out three exhibits. See Exhibit consider. We have had problems with the winter conditions since 1975 and they have caused great problems with the rail transportation system, as well as barge situations. The past winter, as well, has had effects on grain car shortages. I call your attention to Exhibit "B", and he read parts of the article to the committee, along with the caption underneath the picture "Iced Cutter". And, in today's paper on the bottom of the page there is an article where 83 barges broke loose. He read that article to the committee. Now, I think, here is the key to why this resolution should not pass. On Page two of Exhibit "B", he read to the committee about McGovern's bill that would bail out the Milwaukee. This is the first slight glimmer of hope and he read the article to the committee. The railroad runs through 26 counties. If you would start building locks around the five dams, it would cost billions of dollars. Fifty years ago, this could have been a reality. Today, we have another concern. Electric power is that concern. As the water is diverted, you would be cutting out water that generates the power. The continuation of the Milwaukee will do more for Montana people for improved transportation than a barge system. I would not hesitate for a moment to say that this program could not be completed within the life time of anyone in this room. Let's keep the pressure on for the grain cars and the cars we need to provide this service. Let's not play games or do something where the Congress would look upon the railroad unfavorably.

In Closing Senator Nathe pointed out to the committee that the resolution in no way will harm the Milwaukee Road. It is an alternative, and competition. Right now those monopolies that have everything sewed up are so bogged down with ICC laws. We have a mess, and they are not responding. I say get some competition back into the transportation and the barge line is the way to do it. I would assume you would not be for the resolution if you do not want to spend money. Don't get confused about the locks. The fellow's from Omaha are looking at the track system concept. I would hope this committee gives this resolution a do pass. The freight rates keep going up and the guy inbetween is paying for it. One-third of my wheat crop goes to transportation each year. And, I know come April or May there will be another freight rate increase.

There being no further testimony or questions, the hearing was closed.

CONSIDERATION OF SENATE RESOLUTION 3: Chief Sponsor of Senate Resolution 3 is Senator Healy, District 44, Butte, who told the committee this is a simple resolution, and it affects the entire state. He told them he was a former highway engineer and has an interest in the resolution. This resolution will speed up time and help for projects throughout the State of Montana. The

designs will keep up with the funds granted. The funds will be spread over all financial districts or all divisions of the State. Employment for laborer's, Craftsmen, Operating Engineers, Clerks, Professional Engineers and Surveyors will increase. practically all employable people could gain employment if Montana is granted these highway funds which we can qualify for and other states cannot qualify for. I am sure you have read and heard in the news reports for the past several months that there are many states than cannot qualify for the funds that must be allotted. They have not established their eligibility and Montana I am interested in many projects besides the Boulder-Bearmouth project. I am sure that each member of the Legislature is interested in at least one project or more. This resolution does not specify any special project but it pools all our choices together and it will be up to our very efficient Highway Department to administer. I know you will agree with me that if these funds are available each part of the state will be given adequate priority. I am not here with this resolution pushing for the Boulder Bernice road which is the route I take to and from my home to Helena. Th resolution as I have stated is an expression concerning the whole Montana Highway System. Our highway system would be advanced if this resolution is passed and if the funds we are entitled to because of our eligibility and the non-eligibility of a great number of states of our union. He passed out a map of the National Interstate highway system. (See Exhibit "C")

Chairman Etchart asked if there were any other proponents.

Joe Crosswhite, Operating Engineers - WETA, from Columbia Falls, MT informed the committee that both their organizations are in support of this resolution. The interstate program is supposed to be finished in 1987. If not, it would have to be taken under the primary road allocation system, which is 60/40. The interstate is 90/10. If this resolution is not passed there would be a considerably higher price to the State of Montana to finish the interstate system under the primary program. On highway construction, there is more economic from the community hired while the project is going on than any other kind of project that I know of. 50% of the cost is for material, most of the material is local. So dollar for dollar Highway construction leaves the most dollars in the community. I certainly hope that your committee gives a do pass to this resolution.

Chairman Etchart asked if there were any other proponents.

Joe Rossman, Montana Joint Council of Teamsters, from Butte, Montana, told the committee they support this resolution, for two reasons. One, an increase of jobs that would help our large unemployment roles; and two, safety for all drivers on the highway. I recommend a Do Pass of Senate Resolution 3.

Chairman Etchart asked if there were any other proponents to SR 3.

Peter Jackson, WETA, Montana, from Helena, said their organization is made up of agriculture, business, industry and recreation. This resolution will be a great benefit to the state. It will benefit the recreation, agriculture and the others. We need to get these road systems finished.

Chairman Etchart asked if there were any other proponents to SR 3.

James Beck, Department of Highways, told the committee the Department is in support of this resolution. We are attempting to complete the interstate on schedule. We have 174 miles to finish. Approximately 74 miles is to add to already completed projects. We project we should be able to complete the projects by 1984.

In closing, Senator Healy said he agin wanted to emphasize the fact that this resolution is one concern for the whole system in Montana. If this resolution passes that date will be advanced. We are entitled to the funds because of eligibility and ineligibility of the other states. I urge that we pass this resolution.

Chairman Etchart asked if there were any opponents to SR3. There were none. Chairman Etchart asked if there were any questions (from the committee.

Senator Graham asked if we would receive a lot more money than we had been receiving.

Jim Beck told the committee that under the service transportation act of 1978, 1.5 billion dollars was available on a first come first serve basis. This money was gathered because of other states not being able to spend their allocation. Given state revenue to match that, we do have the plans and we would be able to get the job done.

There being no further questions from the committee, the hearing was closed on SR 3.

CONSIDERATION OF HOUSE BILL 635: Chief Sponsor of this bill is Representative Eudaily, District 100, told the committee this is an act to require that purchasers of school buses for purposes other than use as school buses must remove all identifying markings before the bus may be registered. We have problems with some of the language in the bill. On line 16, "remove all markings visible to an observer outside the bus that identify it as a school bus, including but not limited to the chrome yellow color". In talking with the Highway Patrol, they thought it meant the letters had to be taken off and the lights deactivated. The attorney's that I talked to said only the letters had to be removed. With that he introduced Terry Brown.

Terry Brown, from the Office of Public Instruction, read to the Committee a letter on behalf of Superintendent of Public Instruction, Georgia Rice. "See Exhibit "D".

In closing, Representative Eudaily read line 16 through 22 on page 1.

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

Senator Kolstad indicated he felt that was going to certainly be a tremendous cost to the people who buy these old buses.

Representative Eudaily said yes, there would be some cost involved. He said he did not think that would be a deterring factor at all. He told them he had been in education for 40 years and the safety of children is his top priority. He had no idea of how much money would be involved.

There being no further questions from the Committe, the Hearing was closed on HB 635.

CONSIDERATION OF HOUSE BILL 778: HB 778 was introduced by Representative Keedy, District 18, Kalispell, Montana. This bil is an act to provide that license plates and the gross vehicle weight license of a motor vehicle may be transferred to another motor vehicle without transferring ownership of the first vehicle and that upon such transfer the registration of the first vehicle expires; amending section 61-3-335 and 61-10-224, MCA. This bill, if passed, would allow the owner of motor vehicle to transfer the license plate to another acquired automobile without having to sell or dispose of the car. It was brought to my attention that there is a problem with laws that now exist. The recent Attorney General's opinion which dealt with the application of the word replacement vehicle and the newly acquired automobile, therefore, the first auto would have to be disposed of. I do not believe that was the intent originally. This bill would make the language clear. There are a number of people throughout Montana who would like to sell their used car and may let their auto stand without plates.

Larry Majerus, Division of Motor Vehicles, said he would be happy to answer questions, but he has no position on the bill.

Chairman Etchart asked if there were any other proponents, there were none. He asked if there were any opponents. There were none. He asked if there were questions from the committee.

Senator Kolstad said "you mentioned the possibility of someone wanting to sell their first car and put the plates on the second car. There would be no way to drive the first car, then?"

Representative Keedy: Right.

Page 6

Senator Etchart asked what the tax ramifications would be. What happens when the purchaser goes to pick up his plates and they are several years behind.

Larry Majerus told the committee most counties do not go back past one year on the tax.

Representative Keedy said there is nothing specific in the law, but because of the use of the term "replacement vehicle", you had to in fact replace and get rid of the first car before you transfer the plates. This bill makes the language clearer.

There being no further questions from the Committee, the hearing was closed on House Bill 778.

ACTION ON HOUSE JOINT RESOLUTION 36:

Senator Kolstad made the remark that it is a noble idea but an impossible dream.

Senator Etchart said the amendment would not fit and Shaun Simon, Legislative Council agreed with him. She indicated it was like going from one subject to another.

Senator Etchart said they would leave the amendment aside.

Senator Graham made the motion that HJR 36 Be Concurred In. The Secretary called a Roll Call Vote. Four Senator's voted I and one Senator voted No. The motion carried. Senator Graham carries on the floor of the Senate.

ACTION ON SENATE RESOLUTION 3: Senator Hazelbaker made the motion that SR 3 Do Pass. The committee voted unanimously that SR 3 Do Pass. The motion carried. Senator Healy will carry on the floor of the Senate.

ACTION ON HOUSE BILL 635:

Senator Graham said he realized it will cost some money, but he agreed with Representative Eudaily. There is getting to be more and more buses on the highways every year. I would esitmate it would cost about \$500 to repaint.

Senator Etchart wondered if we could grandfather this thing. And then indicated that would not work.

Senator Etchart asked about the difference in what the drivers would have to do. He asked about when a bus stops in front of you, do you have to stop.

Senator Kolstad said if flashing lights are stipped off, you do not have to stop and he see's no problem.

Page 7

There are 1400 buses in the State of Montana.

Senator Etchart asked if there had been any accidents because of the yellow color.

Larry Majerus, said No. He said he thought all lettering should come off and the flashing lights.

Senator Kolstad made the motion that HB 635 be amended as follows:

1. Page 1, lines 18 and 19. Following: "bus," on line 18

Strike: "including but not limited to the chrome yellow color,"

The committee voted unanimously to adopt the amendments to HB 635. The motion carried.

Senator Kolstad made the motion that HB 635 as amended Be Concurred in. The committee voted unanimously that HB 635 as amended be concurred in. The motion carried. Senator Kolstad will carry on the floor of the Senate.

ACTION ON HOUSE BILL 778:

Senator Etchart made the comment that we keep messing around with those license plates and everytime we change the law the Attorney General gets a different interpretation of them. I suggest we have Shaun research the opinion.

Senator Etchart asked we hold it over until the next meeting.

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

> Mark Exchant SENATOR MARK ETCHART, CHAIRMAN

3-15-

ROLL CALL

Nighway

COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	;/		
Tom Hager, Chairman			
Frank W. Hazelbaker	1/		
Allen C. Kolstad	/		
Carroll A. Graham	1/		·
Dave Manning			·
John E. Healy (Jack)			
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Each Day Attach to Minutes.

COMMITTEE ON Chahways

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HOUSE JOINT RESOLUTION NO. 36

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING DEVELOPMENT OF THE MISSOURI RIVER and the first the first of the contract of the CHANNEL IN ORDER TO ACCOMMODATE BARGE TRAFFIC TO TRANSPORT CEREAL GRAINS AND OTHER CARGO.

Page 2, line 7. Insert: "WHEREAS, the Milwaukee Railroad has filed bankruptcy and is in the process of terminating its operations in Montana, and

> WHEREAS, should the Milwaukee Railroad be allowed to terminate its operations in Montana there will be no other competitive form of transportation except the barge line, and

WHEREAS, it is in the best interest of the shippers of Montana that the operation of the Milwaukee Railroad be continued to provide competitive rail service,"

2. Page 2, line 20. Insert: "BE IT FURTHER RESOLVED, that this Resolution does not intend to create any obstacle to the possible continued operation of the Milwaukee Railroad."

HOUSE JOINT RESOLUTION NO. 36

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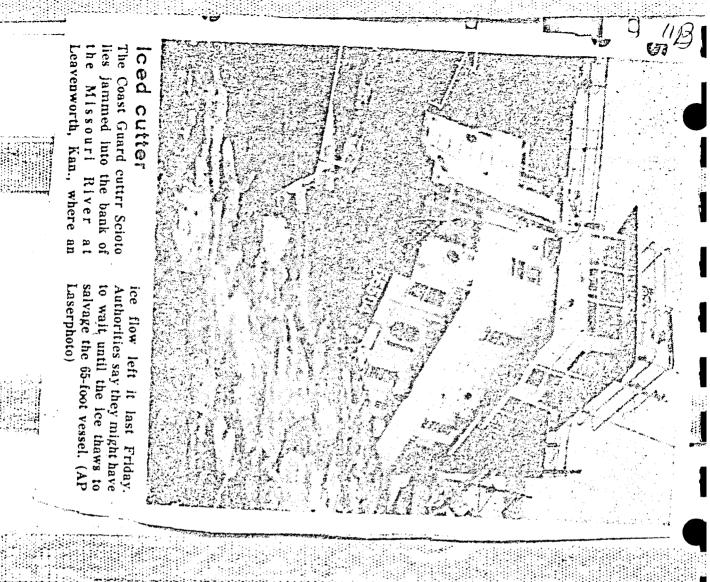
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J. Page 2. Fine 20: Following: line19
Insert: "BE IT FURTHER RESOLVED, that this Resolution does not intend to create any obstacle to the possible continued operation of the Milwaukee Railroad."

i. Page 2, line 6. Following: "Datota"
Strike: "Jand"

INSERT: "jand"



The Montana Standard, Butte, Thursday, March 15, 1979—17

Barges break loose on Mississippi

NEW ORLEANS (AP) — At least 83 huge barges ripped out of their moorings on the swollen Mississippi River and careened 25 miles downstream Wednesday, smashing into docks and ships and wrecking property worth hundreds of thousands of dollars.

"The barges were bouncing down the river, hitting one side and then the other," said Joseph Cannatella, superintendent of the New Orleans harbor police.

"It's like taking an automobile at say 15 miles an hour, putting it in gear and letting it run down the street by itself."

All tugs in the area were called out to help corral the runaway barges which broke loose "like dominoes" at

several points about 10 miles upstream from this port city.

By Wednesday evening, all the barges were back in tow, and a 14-mile stretch of the river below New Orleans was reopened to ship traffic.

A Coast Guard spokesman said all traffic on the river had been asked to move "below wake speed" so that the ripples from their craft would not set the barges loose again.

Three barges lashed together rammed into the docks at Delta Commodities Inc., causing damage estimated at \$1 million.

"You're talking about 15 million pounds moving at 15 miles an hour, so it can do some damage," sald Ed Guirvich, a company employee.

A sail boat tied up at the port was rammed and sunk, and six other ships, including the tanker Exxon Newark, were reported hit.

Two tugs chasing the barges collided in the fog, causing minor damage, witnesses said.

Some of the barges carried oil or chemicials, leading to fears of pollution. No pollution was reported, but workers at water intake stations were warned to be on guard.

New Orleans and neighboring communities draw their drinking water from the Mississippi.

The busy Port of New Orleans, the nation's second largest, was shut down for several hours.

Coast Guard spokesman A.J.
Wolf said, "We have our

invesigators out there running around like crazy."

Wolf said the barges startedbreaking free about 2 a.m. in the strong currents of the flood-swollen river.

"It was a kind of domino effect," he said. "It has happened before, but it's pretty rare that it reaches into the port like this."



McGovern bill would bail out Milwaukee Road

By PATRICK DAWSON Of The Gazette Staff

Milwaukee Road freight trains will keep rolling across Montana if a bill by Sen. George McGovern, D-S.D., is passed and put to work.

It is the first solid glimmer of hope in what has been a gloomy, complex and uncertain situation since the railroad

filed for bankruptcy in December 1977.

Unlike the expensive East Coast federal bail-outs of the past, like the Penn Central case, the individual states served by the Milwaukee would be called upon to contribute to the cause. The Milwaukee has not been eligible for any major government assistance under existing laws.

The bill is titled "The Marginal Railroad Mainline Service Assurance Act of 1979," but its supporters have dubbed it "The Milwaukee Bill," because its main purpose is to help

keep the bankrupt railroad running.

Robin Carpenter, an assistant to McGovern, said Wednesday the bill was introduced Tuesday and will go to the

Senate Commerce Committee for review.

Ms. Carpenter said the proposed legislation "sets up a very strong public interest test," to determine how valuable a troubled railroad is to the economy of the states it serves. "The Milwaukee mainline would definitely qualify," she said, because there are no realistic alternatives for many interstate rail shippers, especially in South Dakota and Montana.

If passed in its present form, the Mainline Service Assurance Act would give the Secretary of Transportation the authority to review a railroad like the Milwaukee and certify

it for financial assistance.

For instance, if it takes \$12 million dollars to operate the Milwaukee for one year, but it only makes \$2 million, then the federal government would loan the railroad \$7 million (70 percent of the deficit) and the affected states would contribute \$3 million (30 percent) in order to make up the \$10 million operating shortfall.

. Ms. Carpenter said preliminary estimates of the states' share of keeping the Milwaukee operating come to \$6-7 mil-

lion for the first year.

For the first time, government help to the Milwaukee has the blessing of bankruptcy trustee Stanley E.G. Hillman. who notified McGovern that he is "in total agreement with the concept" of the bill.

"Sen. McGovern has felt all along that any plan to keep the Milwaukee going must have the support of the railroad it-

self," Ms. Carpenter said.

Initially, the states which would fall under the plan would be Minnesota, Montana and North and South Dakota. Idaho and Washington are not yet being considered pending the outcome of negotiations between Hillman and the Union Pacific for the UP to take over the Milwaukee's lines west of

For now, the plan is aimed at maintaining the mainline between the Twin Cities and Central Montana.

Under the bill, the railroad's management would be required to run the line in a businesslike, profit-oriented manner, rather than turning down freight business or diverting it to competing railroads like the Milwaukee has been doing. With government help, the railroad shouldn't have to turn away business, because it would have the resources and backing to handle the traffic, instead of limping along on bad track with broken-down equipment.

The legislation calls for the railroad's operation to be funded quarterly, with an annual review by the Secretary of Transportation. Should the railroad start actually making money, 30 percent of the earned cash surplus would be returned to the governments -20 to the federal and 10 to the

States wishing to participate would have to appropriate the money according to their share of track mileage, freight revenue and number of shippers.

A spokesman for the Milwaukee said the bill would create a "use it or lose it" proposition for the states and the shippers.

In other developments this week, bankruptcy trustee Hillman reported to Judge Thomas McMillen of U.S. District Court in Chicago that the Milwaukee's track is rapidly deteri-

orating in many areas and losses are piling up.

"I personally do not believe that the public interest requires long-term operation of the entire system," said Hillman. "But if Congress disagrees with the judgment, the necessary funds must be provided on a basis which does not impair the constitutional rights of the Milwaukee Road's existing creditors."

He said efforts to keep the railroad running came close to being scuttled by the "diastrous" winter. "While traffic levels are only now beginning to return to normal" the line still has problems in the West because of flooding, he said.

Hillman's report said the Chicago-based line suffered a \$48.5 million loss in 1978, compared to a \$10.6 million profit in the previous year, on a generally accepted accounting principles basis (GAAP).



OFFICE OF PUBLIC INSTRUCTION -

STATE CAPITOL HELENA, MONTANA 59601 (406) 449-3095

Georgia Rice Superintendent

March 15th, 1979

To:

Chairman Mark Etchart

Senate Highway and Transportation Committee

From:

On behalf of Superintendent of Public Instruction, Georgia Rige

by: Terry F. Brown, Pupil Transportation Consultant

Re:

House Bill No. 635

The Superintendent of Public Instruction would like to go on record as supporting House Bill #635.

There are many used yellow school buses on our highways today that are privately or church owned. Some of these used buses still have the words "school bus" printed on them and some still have the warning light system in tact. Most are still the "chrome yellow" color. These buses pose problems in safely transporting our school children.

We have been and continue to try and educate the motoring public to recognize a yellow bus as a school bus that carries school age children. This is a difficult task when many used yellow buses are used as campers, or to transport church or other special groups of people. This can be confusing for the average motorist. We want all people to realize that whenever they see a stopped yellow bus, that children may be near and either being loaded or unloaded. We want motorists conditioned to use extreme caution in these situations.

The Superintendent of Public Instruction does not object to private individuals, church groups, or any organization purchasing used school buses. Under present law the name "school bus" and the signal lamps must be removed. We would like to add this section to the Law that would require changing the "chrome yellow" color also.

House Bill No. 635 proposed by Representative Eudaily would help solve this problem, and provide more protection in transporting our children in school buses. I urge this committee to give a "do pass" recommendation to House Bill No. 635.

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STANDING COMMITTEE REPORT

March 15,

1979

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MR. President:					
We, your committee on	Highways and	Transportation)n	************	
having had under consideration			House	Bill No	63.5

Eudaily (Kolstad)

1. Page 1, lines 18 and 19.
Following: "bus," on line 18
Strike: "including but not limited to the chrome yellow color,"

And, as so amended, BE CONCURRED IN DOMASSO

STATE PUB. CO. Helena, Mont.

STANDING COMMITTEE REPORT

	Ma	rch 15	. 19. 79
MR. President:			
We, your committee on	Highways and Transpor	tatéon	
having had under consideration	House Joint Resolutio	n Bill No	36
	Nathe (Graham)		
	,		
Respectfully report as follows: That	House Joint Resolutio	n. Sill No	.36

BE CONCURRED IN PORASS

STATE PUB. CO. Helena, Mont.

SENATOR MARK ETCHART Chairman.

STANDING COMMITTEE REPORT

	March 15	1979
MR President:		
We, your committee on <u>Highways</u>	and Transportation	
having had under consideration	Senate Resolution	Bill No3
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POPESS IN

SENATOR MARK ETCHART

Chairman.

SENATE COMMITTEE Highways & Transportation

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	Tom V. Hager, Chairman		
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(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date 3-15-79	House	Bill No.	635	Time
NAME			YES	NO NO
Mark Etchart, Chair	man		/	
Tom V. Hager, Chair	man			
Frank W. Hazelbaker			V	
Allen C. Kolstad			V	
Carroll A. Graham				
Dave Manning				
John E. Healy				
Carol Francis Secretary		21	and E	tcharl
Secretary		Chairman		
Motion: Be Cox	Morel	In Ces	2 ami	ended
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(include enough information on motion—put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation YES NAME Mark Etchart, Chairman Tom V. Hager, Chairman Frank W. Hazelbaker Allen C. Kolstad Carroll A. Graham Dave Manning John E. Healy Be Concurred An

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

