MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN BARRY STANG, on March 5, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Barry "Spook" Stang, Chairman (D) Floyd "Bob" Gervais, Vice-Chairman (D) Ernest Bergsagel (R) Robert Clark (R) Jane DeBruycker (D) Alvin Ellis, Jr. (R) Gary Feland (R) Mike Foster (R) Patrick Galvin (D) Dick Knox (R) Don Larson (D) Scott McCulloch (D) Jim Madison (D)

Linda Nelson (D)

Don Steppler (D)

Howard Toole (D)

Rolph Tunby (R)

Members Excused: REP. MIKE FOSTER

Staff Present: Valencia Lane, Legislative Council Claudia Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

HEARING ON SB 22

Presentation and Opening Statement by Sponsor:

SEN. DELWYN GAGE, Senate District 5, Cut Bank, said this bill is a result of the agriculture people from his district. It deals with diesel fuel used in farm equipment. The farmers in his area said they do not have any problem paying the taxes, but cannot understand why they have to buy off a bond to guarantee payment of their taxes when they pay the taxes off on a current basis. This bill will strike the language that would require a person that has bulk storage fuel to file for a special bond. He has

spoke with Norris Nichols, Department of Revenue, who indicated that there isn't a problem with the people that have bulk storage not paying their taxes. It does leave in the bill that if there is a problem with the people not paying their taxes on bulk storage or filing delinquent on their returns, the department can still require a bond on those people.

Proponents' Testimony:

Norris Nichols, Administrator, Motor Fuels Division, said this further than what SEN. GAGE indicated. He said that by delaying the bond authority, the International Fuel Tax Agreement (IFTA), does not require a bond of any person that has bulk storage. The Department of Revenue took the position if those persons based in the state under the IFTA program, will not be penalized if they have good accounts.

Ben Havdahl, Montana Motor Carriers Association, wanted to be recorded in support of SB 22. He said the members of the association are big users of diesel fuel in Montana. Under the current law that requires a bond for each of those taxpayers, the experience has been that 98% of them pay their taxes on time. The bond situation has never been entered in the picture of their business. The only people that profit from this are the bond salesmen.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

SEN. GAGE thanked the committee for a good hearing and urged their support of SB 22.

HEARING ON SB 95

Presentation and Opening Statement by Sponsor:

SEN. TOM BECK, Senate District 24, Deer Lodge, said this bill is an act to allow exemption of a police emergency response of safety education vehicle from the definition of commercial motor vehicles. The Highway Patrol has an information and educational vehicle that falls under the category of being over the weight limit to be classified as a commercial vehicle. This means they have to have certain licensed people to drive the vehicles.

Proponents' Testimony:

Jim Stotz, Montana Highway Patrol, said they have a safety education van that travels throughout the state. They have displays at the state fairs, county fairs and various other safety exhibits. He said the van reaches approximately 15,000 people per year to deliver the safety message to them. Presently

there are 9 officers in the state that are qualified to drive this vehicle, and do not want to accept the financial burden of purchasing a commercial license. It is not a wise expenditure for the state's finest to purchase the commercial driver's license for them. The police emergency response units, various cities and counties throughout the state, have developed a tactical unit of vans and buses to go to the emergency responses. These vehicles fall under the commercial vehicle licensing law. When they have to respond to an emergency situation, they cannot find a person with commercial license to drive the vehicles. He said this exemption would help them in both safety education and in an emergency response situation.

Opponents' Testimony: None

Questions From Committee Members:

REP. STEPPLER asked SEN. BECK why the vans and busses are considered commercial vehicles. SEN. BECK said the because of their size. The definition of a commercial vehicle that is written in the law states that any vehicle over 26,000 lbs. is considered commercial. REP. STEPPLER asked if that was the educational vehicle. SEN. BECK said yes. REP. STEPPLER asked if the rest of the vehicles are considered in that category also. SEN. BECK said yes. He said that Missoula has a bus that seats 15 people and is considered commercial. Helena is developing a unit that he was sure would fall under the commercial vehicle license requirement.

REP. FELAND asked SEN. BECK if all farm vehicles over 26,000 lbs. that are considered commercial, are exempt from the law. SEN. BECK said he thought so.

Closing by Sponsor:

SEN. BECK asked the committee to consider this piece of legislation. It is important that these vehicles be exempt from the commercial licensing law.

HEARING ON SB 80

Presentation and Opening Statement by Sponsor:

SEN. CECIL WEEDING, Senate District 14, Jordan, said this bill is at the request of the Montana Highway Department. It asks for the penalties applied in violation of the weight limits that are granted under an overweight permit be not less than that which would have been applied had there not been any overweight permit in the first place. The penalty schedule goes from a \$30 minimum to \$2,000 maximum if a person was 25,000 lbs. overweight. The penalty for overweight when a person has an overweight permit is about \$75. He said there is quite a loophole if the vehicle is going to be overloaded and that person will only have the maximum penalty of \$75. He said the penalty should be no less for a

person that has a permit for overweight than the person that is in violation that doesn't have an overweight permit.

Proponents' Testimony:

Dave Galt, Administrator, Gross Vehicle Weight Division, said the Highway Department is in support of HB 80. This bill will establish penalties for those exceeding the weight on a permit that would be equal to the penalties excessed on any overweight load. Currently, any operator that violate permitted weights are subject to a \$75 fine. In most cases, the overweight is in such an extreme that the highways suffer extreme damage. Regular overweight loads could be fined as much as \$2,000. He said all the department asks for with this bill is equality between the fines for permitted normal overweight loads and fines for those that are not permitted.

Ben Havdahl, Montana Motor Carriers Association, wanted to be recorded in favor of HB 80. He said it is an equity bill. A statutory vehicle that exceeds the weight limits is subject to the fines in the schedule of the bill. The permitted vehicles violating the weight limits should be subject to nothing less than that.

Opponents' Testimony: None

Questions From Committee Members:

REP. STEPPLER asked Mr. Galt if the fines for permitted overweight vehicles is new. Mr. Galt said if a permit is given for an overweight load of 50,000 lbs on each set of axles and that vehicle weighs at a weigh station with a weight of 70,000 lbs on each axle, they can issue a fine under the 61-10-146, which is \$70. He said if the vehicle is 25,000 lbs over the permitted weight, the GVW would calculate how much is over from what was allowed. The fine would be assessed on how much was overweight based on the schedule. Mr. Galt said the intention of the department is to fine the person under the overweight schedule, but not fine them twice.

Closing by Sponsor:

SEN. WEEDING said the \$75 penalty is gone. A person will be fined under the basis of the schedule. There will not be a duplication of overweight fines, but other penalties for violating the permit.

EXECUTIVE ACTION ON SB 80

Motion: REP. ELLIS MOVED SB 80 BE CONCURRED IN.

<u>Discussion</u>: REP. CLARK said the \$75 fine has been changed to read the same as schedule 146.

CHAIRMAN STANG said he thought it was the part that was scratched out of 61-10-124 number 4, and was placed in number 6.

REP. CLARK said schedule 146 is the penalty section.

Ms. Lane said on page 5 of the bill, there is reference to existing law, 61-10-124 sub (4), has been changed to subsection (6). The \$75 fee was removed by changing subsection 4 to subsection 6.

REP. STEPPLER said he cannot see where the \$75 fee has gone. By reading subsection 4, it is still there. Ms. Lane said the \$75 is a permit fee. She did not know where SEN. WEEDING received the figure of a \$75 fine that would not be in effect.

CHAIRMAN STANG asked REP. CLARK if there are fine schedules that are set up in rules that aren't necessarily set up in the laws for i.e., speeding fines, but not set up in statutes for the law enforcement so the fines are consistent. REP. CLARK said the law enforcement uses a bond schedule. The fee schedule they use are for trucks.

CHAIRMAN STANG said the loggers in his area use cranes with a permit system that allows them to do a self-issuing permit. They have a book of permits that they can issue for themselves. As long as they are within their bridge formula that has been set for them and all their axles are within the correct weight, that permit is good to back and forth on that road as long as they want. As long as they pay the permit there is no fine. Under this bill, another 10,000 lbs will cost them an extra \$250.

Motion/Vote: REP. KNOX called the question. Roll call vote was taken. EXHIBIT 1

Vote: SB 80 BE CONCURRED IN. Motion CARRIED 10 to 5.

HEARING ON SB 91

Presentation and Opening Statement by Sponsor:

SEN. TOM KEATING, Senate District 44, Billings, said this bill is the result of an audit in the highway safety traffic administrator's office. It was determined in the audit with the changes in the law there wasn't any provision remaining in the codes for the appointment of an highway safety traffic administration in the event anything happened to the current administrator. Previously, the board was able to appoint an administrator, that provision had been removed from the law and was not replaced. Currently, the Governor has the legal right to appoint administrators for various purposes. SB 91 establishes that the Governor may appoint a new administrator when it becomes necessary for this particular program.

Proponents' Testimony:

John Northey, Legislative Auditor's Office, said this position was originally created under the federal law. The federal law requires as a condition that the states participating in federal highway funding, that the states enact a highway safety program under the administration of the Governor's office.

Albert Goke, Highway Traffic Safety, said he has served as the current administrator for the highway traffic safety program. He has been in that capacity since 1970. He urged the committee's support and said he was here to answer questions that the committee members may have.

Opponents' Testimony: None

Closing by Sponsor:

SEN. KEATING thanked the committee and urged their support.

EXECUTIVE ACTION ON SB 22

Motion: REP. STEPPLER MOVED SB 22 BE CONCURRED IN.

Motion/Vote: REP. FELAND called the question. Voice vote was taken.

Vote: SB 22 BE CONCURRED IN. Motion CARRIED unanimously.

EXECUTIVE ACTION ON SB 91

Motion: REP. CLARK MOVED SB 91 BE CONCURRED IN.

Motion/Vote: REP. FELAND called the question. Voice vote was taken.

Vote: SB 91 BE CONCURRED IN. Motion CARRIED 15 to 1 with REP. BERGSAGEL voting no.

EXECUTIVE ACTION ON SB 95

Motion: REP. STEPPLER MOVED SB 95 BE CONCURRED IN.

Motion/Vote: REP. BERGSAGEL called the question. Voice vote was taken.

Vote: SB 95 BE CONCURRED IN. Motion CARRIED 15 to 1 with REP. FELAND voting no.

HEARING ON SB 109

Presentation and Opening Statement by Sponsor:

SEN. PAUL SVRCEK, Senate District 26, Thompson Falls, said this bill will require state vehicles to use gasohol in the areas where it is reasonably and commercially available. He said when the bill was originally introduced in the Senate, he asked for a \$.10 leeway between regular gasoline and the blended gasoline. It went through the committee, but failed on the floor. Senate members felt they would be "pegging" the price at \$.10 above the regular unleaded price that would be require state vehicles to pay an addition \$.10 on their fuel. It went back to the Senate committee where an amendment was adopted that would give it a \$.2 leeway. He said there are places where gasohol is purchased that is defined as super unleaded. There is a price differential between that and the regular unleaded gas. station here in Helena has a blended gas which is sold at the same price as the regular unleaded. The bill now requires that the fuel be at the same price as the unblended fuel. He said it is important that state government form partnerships with private businesses to create markets for expanding businesses. will allow industries in Montana and add value to Montana products, environmental value, and additional value for Montana's raw materials.

Proponents' Testimony:

Don Sterhan, Alcotech Partnership, said that Alcotech is an ethanol production facility in Ringling, MT. He was before the committee earlier testifying for HB 144, and the benefits of a state fleet vehicle program is also proposed in this bill. He would be available for any questions the committee members may have. He said this type of legislation will be very instrumental in developing markets in Montana for in-state production.

Kay Norenberg, WIFE, wanted to be recorded in support of SB 109. She said that WIFE has been involved in promoting ethanol since the conception of WIFE in 1977. Ethanol is environmentally sound, economically smart and will reduce dependence of foreign oil as a renewable source of energy, giving the farmers another market for their grain. Ethanol is a superior, high octane fuel, which provides good performance for the vehicles.

Lorraine Gillies, MT Farm Bureau, stated her support for SB 109.

Bob Stephens, Montana Grain Grower's Association, spoke in support of SB 109.

Neva Hassanein, NPRC, said that ethanol promotes longer life of the engines. The state fleet would have a cost savings in the long run by using ethanol.

Linda Lee, Montana Audubon Legislative Fund, said the Audubon

Fund consists of 2,500 members in 9 chapters throughout the state. They support SB 109, because it is time that Montana begins using more alternative fuels. The United States dependence on petroleum has a long and interesting history. She read a statement from the Knight-Ridder Newspaper on the use of alcohol. She said it gave her a better understanding why alcohol is not used for fuel. She urged the committee's support for SB 109. EXHIBIT 2

Opponents' Testimony: None

Questions From Committee Members:

REP. BERGSAGEL asked Mr. Sterhan what was meant by "not less than 10% ethanol in all fuels used". Mr. Sterhan said the 10% ratio is a blend of 9 gallons of gas to 1 gallon of ethanol. He said that the different ethanol plants are trying to establish this standard nation wide.

REP. NELSON asked Mr. Sterhan if it is reasonable to assume that the state will be able to buy this blend at the same price as they would for regular unleaded gasoline so the agencies will be able to utilize it. Mr. Sterhan said they hoped so. That is the way they are marketing ethanol now on a competitive price basis. There are bulk purchases that the state does now that are on a bid basis so the distributor that would have the opportunity make a bid on it.

REP. BERGSAGEL said that the wording has been struck that the records will be maintained on each vehicle, does that mean that each agency will have to maintain those records. CHAIRMAN STANG said the amendment that was added into REP. FOSTER'S bill, HB 144, would probably go on this bill. They didn't want each vehicle to keep records, but each agency.

REP. ELLIS asked Mr. Sterhan if was possible for the gas stations that carry ethanol to advertise so the people are aware that they have it. The station in Helena does have a banner that advertise that they they carry ethanol, and the pumps are well marked. Mr. Sterhan said Alcotech is working with the proprietor at malfunction junction to let the people know that ethanol is carried there. He said it is up to the place of business to decide how to advertise.

Closing by Sponsor:

SEN. SVRCEK closed asking the members for their support.

EXECUTIVE ACTION ON HB 736

Motion: REP. CLARK MOVED HB 736 BE TABLED.

Motion/Vote: Question was called. Voice vote was taken.

Vote: HB 736 BE TABLED. Motion CARRIED 14 to 1 with REP. TUNBY

voting no. REP. ELLIS and REP. MCCULLOCH are absent.

ADJOURNMENT

Adjournment: 4:30 p.m.

BARRY STANG, Chair

(laudia Johnson) by 71/ CLAUDIA JOHNSON, Secretary

BS/cj

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE 3-5-91

NAME	PRESENT	ABSENT	EXCUSED
REP. FLOYD "BOB" GERVAIS, VCHAIR			
REP. ERNEST BERGSAGEL	$\sqrt{}$		
REP. ROBERT CLARK	1		
REP. JANE DEBRUYCKER	\		
REP. ALVIN ELLIS, JR.	V		
REP. GARY FELAND	1/		
REP. MIKE FOSTER			
REP. PATRICK GALVIN	V		
REP. DICK KNOX	V		
REP. DON LARSON	\		
REP. SCOTT MCCULLOCH			
REP. JIM MADISON	1		
REP. LINDA NELSON	\(\)		
REP. DON STEPPLER	\ \		
REP. HOWARD TOOLE	V		
REP. ROLPH TUNBY	V		
REP. BARRY "SPOOK" STANG, CHAIRMAN	/		
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March 11, 1991 Page 1 of 1

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14. E

Mr. Speaker: We, the committee on <u>Highways and Transportation</u> report that <u>Senate Bill 80</u> (third reading copy -- blue) <u>be</u> concurred in .

Signed:

Barry Stang, Chairman

Carried by: Rep. Ellis

March 5, 1991 Page 1 of 1

Mr. Speaker: We, the committee on <u>Highways and Transportation</u> report that <u>Senate Bill 91</u> (third reading copy -- blue) <u>be</u> concurred in .

Signed: Barry Stang, Chairman

Carried by: Rep. Kadas

March 5, 1991 Page 1 of 1

Mr. Speaker: We, the committee on <u>Highways and Transportation</u> report that <u>Senate Bill 22</u> (third reading copy -- blue) <u>be</u> concurred in .

Signed: Barry Stang, Chairman

Carried by: Rep. Steppler

March 5, 1991 Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 95 (third reading copy -- blue) be concurred in .

Signed:

Barry Stang, Chairman

Carried by: Rep. Steppler

DATE 3-5-91 HB 5B 80

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 3-5-9/ BILL NO. SB 80	NUMBER	
MOTION: Rep. Ellis Move &	SB 80 B	0
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NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN		
REP. ERNEST BERGSAGEL		V
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REP. ALVIN ELLIS, JR.		
REP. GARY FELAND		1
REP. MIKE FOSTER		
REP. PATRICK GALVIN		
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REP. DON LARSON		
REP. SCOTT MCCULLOCH		
REP. JIM MADISON		
REP. LINDA NELSON		1
REP. DON STEPPLER		1/

TOTAL

REP. HOWARD TOOLE

REP. ROLPH TUNBY

REP. BARRY "SPOOK" STANG, CHAIRMAN

EXHIBIT 2

DATE 5-91

MONTANA AUDUBON LEGISLATIVE FUND

Testimony on SB 109 House Highways Committee March 5, 1991

My name is Linda Lee and I am testifying today on behalf of the Montana Audubon Legislative Fund. The Audubon is composed of nine chapters of the National Audubon Society and consists of 2500 members throughout the state.

We support SB 109 because it is time for Montana to begin using more alternative fuels.

The United State's dependence on petroleum has a long and interesting history. I would like to read you part of and article appearing in the Missoulian a few months ago, written by David Morris of Knight Ridder Newspapers. It gave me a better understanding about why we don't use much alcohol for fuel. I hope it will help encourage you to vote to pass SB109 as one step toward decreasing our dependence on petroleum. Thank You.

Stigma of alcohol, hemp lingers

By DAVID MORRIS Knight-Ridder Newspapers

ur puritanism always seems to get the better of our environmentalism. At least that's the way I read the last 100 years of American history. At crucial moments we've discouraged and even outlawed the use of environmentally benign materials simply because they were also capable of giving us physical pleasure. And that has made all the difference. Consider the star-crossed history of ethanol and hemp, better known to the reader as liquor and marijuana.

Alcohol should be our primary fuel. And for one brief historical moment it might have been. By the mid-1800s, 30 million gallons of alcohol were sold for industrial purposes, primarily as a solvent and for lighting. Alcohol was cheap, half the price of lard oil, a third the price of whale oil.

In 1861 Cincinnati alone processed 12,000 bushels of corn a day into ethanol. But that year two events occurred whose impact reverberates to this day. Edwin Drake discovered oil in Pennsylvania. Kerosene, the only valuable petroleum product at the time, became a serious competitor in the lighting market. And Congress imposed a \$2.08 tax on distilled spirits, including industrial alcohol, to pay for the Civil War. Kerosene paid only a 10-cent tax.

The liquor tax remained in place for 45 years, effectively halting the development of ethanol technologies. In 1906, The New York Times editorialized, "It is only the heavy tax imposed by the United States that has prevented the use of a large number of vegetable products for the manufacturing of an exceedingly cheap and available alcohol." While ethanol sat on the sidelines, the internal combustion engine was born, the first oil pipelines were laid, and the chemical engineering profession came of age.

The liquor tax was repealed in 1906. Ethanol advanced. Then in 1919 the industry received another devastating blow: Prohibition. Chemist William Hale, a leading proponent of ethanol, observed, "The Prohibition plague set this country back 14 years



in organic technical progress." During this period lead, not ethanol, was added to gasoline to make it compatible with the new generation of higher powered cars. This occurred despite Yale Professor Wendell Henderson's prophecy that lead would become "the greatest single problem in the field of public health that has ever faced the American public."

Prohibition was repealed in 1933, yet it continued to taint ethanol's appeal. When Iowa and Nebraska introduced legislation to mandate the use of ethanol blends, the National Petroleum Association warned, "To force the use of alcohol in motor fuel would be to make every filling station and gasoline pump a potential speakeasy."

Today ethanol is making a comeback. It is by far the superior fuel. But because it can also make us drunk, ethanol must play catchup to a century of petroleum-driven development.

The history of hemp eerily echoes that of alcohol. Until the 20th century, 80 percent of humanity's textiles and fabrics were made from cannabis fibers. Hence the word "canvas." Hemp fiber is soft, durable, and the plant requires little fertilizer. Cotton replaced hemp after the invention of the cotton gin and it remains our primary natural fiber. But cotton is environmentally destructive. Half the world's pesticides are used to grow cotton. A cotton jacket "contains" the energy equivalent of a quart of oil.

Until 1883, 75-90 percent of the world's paper was made from hemp fibers, according to Jack Herer, in his remarkable book "The Emperor Wears No Clothes." In 1916 the Department of Agriculture invented a way to make paper from the hurds, or pulpy part of the hemp plant. An acre of hemp could produce four times as much pulp as an acre of trees. Makin paper from hemp could use as little as 15 percent of the chemicals needed to make paper from trees.

In 1937 the equivalent of the cotton gin was invented for hemp. The machine could efficiently harvest hemp stalks and strip the outer hurds from the inner fiber. Popular Science predicted a billion-dollar hemp market. Alas, it was not to be. In 1937 prohibition was visited on marijuana.

Since 1937 about half the forests in the world have been cut down to make paper. With the world running short on paper, some entrepreneurs are taking another look at hemp. They maintain that hemp farms need not yield marijuana, citing cultivation practices and new strains developed in France and Russia.

So here we are. Fouling our atmosphere by burning million-year-old fossil fuels. Cutting down old growth forests to make this morning newspaper. Why? Because the alternatives could make us feel too good.

David Morris, an author, lecturer and consultant, is a columnist for the St. Paul Pioneer Press.

HOUSE OF REPRESENTATIVES VISITOR REGISTER

DATE 3-5 SPONSOR (S	COMMITTEE	BILL NO. <u>SBJ</u>
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HOUSE OF REPRESENTATIVES VISITOR REGISTER

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