MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, Chairman, on January 29, 1991, at 1:00 p.m.

ROLL CALL

Members Present:

Cecil Weeding, Chairman (D)
Betty Bruski, Vice Chairman (D)
Bill Farrell (R)
John Harp (R)
Francis Koehnke (D)
Jerry Noble (R)
Jack Rea (D)
Lawrence Stimatz (D)
Larry Tveit (R)

Members Excused: None.

Staff Present: Paul Verdon (Legislative Council).

Pat Bennett, Secretary

Please Note: These are summary minutes. Testimony and

discussion are paraphrased and condensed.

Announcements/Discussion: None.

HEARING ON HOUSE BILL 82

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE BARRY STANG, District #52, opened the hearing on House Bill 82. (SEE EXHIBIT 1)

Proponents' Testimony:

DAVE GALT, GVW, Department of Highways, expressed support for HB 82. This bill allows GVW officers to issue citations to people who violate laws regarding LPG (Liquified Petroleum Gas) permits and license plate requirements for special mobile equipment. Currently GVW is the only outlet for LPG permits. Working in weigh stations puts them in contact with LPG users. At this time, action can not be taken if somebody refuses to purchase the permit. The only recourse is to contact a law enforcement officer which in many cases is difficult. He stated that since the GVW officers work together with other laws relating to special fuel, LPG would be a natural addition.

DAVE GALT said House Bill 82 would also grant authority to enforce laws in requiring special mobile equipment to have a plate. Special mobile equipment is required to display plates as proof that county taxes have been paid. Since GVW officers are in contact with the large variety of vehicles, including special mobile vehicles, this suspended authority would help each county insure that its proper tax share has been collected.

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR FARRELL asked what "special mobile equipment" is.

DAVE GALT said special mobile equipment are the vehicles which are primarily designed for off road use but do sometimes have to travel on the highways. A special mobile equipment plate costs \$5.00 and in addition to that plate, they must pay the county taxes. Such as well drilling rigs, backhoes, loaders, etc.

PAUL VERDON cited from Section 61-1-104 MCA the definition of special mobile equipment. He also gave the definition of implement of husbandry, Section 61-1-121 MCA.

SENATOR TVEIT asked who the highway employees are who would be authorized.

DAVE GALT stated it would be only GVW employees who are appointed by the Director of Highways to enforce these laws.

PAUL VERDON cited from Section 61-10-131 MCA regarding enforcement.

SENATOR KOEHNKE asked about farm equipment that is used to do custom work.

DAVE GALT stated that farm vehicles which do custom work are covered under the non-resident and resident custom cutters section of law.

Closing by Sponsor:

SENATOR STANG stated that they are only trying to give those who are authorized, the power needed to deal with the two sections.

EXECUTIVE ACTION ON HEARING HOUSE BILL 82

Motion:

None.

Discussion:

The Committee discussed "special mobile equipment" and "implementing of husbandry".

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

SENATOR FARRELL recommended that the Committee hold off on HB 82 pending further information.

HEARING ON HOUSE BILL 84

Presentation and Opening Statement by Sponsor:

SENATOR BARRY STANG, District #52, opened the hearing on House Bill 84. (SEE EXHIBIT 2)

Proponents' Testimony:

DAVE GALT, GVW, Department of Highways, stated they support House Bill 84. This bill would allow GVW to enter into agreements with other states so that a permit could be issued in one state but would cover travel in other states. It would create an envelope vehicle that would be allowed certain sizes and weights that can be allowed over specific highways by other state agencies. It would reduce the cost and paper work trouble to both the trucking industry and to the states who issue permits. Permit fees would be collected in one state and distributed to the appropriate states to which the permit was for.

BEN HAVDAHL, representing the Montana Motor Carriers Association, stated they support House Bill 84. This bill is a product of an effort through the Western Association of Highways and Transportation Officials having met over 2 to 3 years discussing all the ramifications dealing with making laws more uniform between the western states. This would be a great convenience. A motor carrier moving in many states has to phone or fax to get separate permitting authority issued by all those states.

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR WEEDING asked Dave Galt if their rules are broad enough to encompass this.

DAVE GALT said their rules are broad enough. In the agreement they would sign into to allow this, there would also be specific rules in dealing with the permit issuance.

Closing by Sponsor:

REPRESENTATIVE STANG closed the hearing on House Bill 84.

EXECUTIVE ACTION ON HOUSE BILL 84

Motion:

SENATOR FARRELL moved that HOUSE BILL 84 BE CONCURRED IN.

Discussion:

None.

Amendments, Discussion, and Votes:

Senator Farrell will carry HB 84.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that HOUSE BILL 84 BE CONCURRED IN.

HEARING ON SENATE BILL 164

Presentation and Opening Statement by Sponsor:

SENATOR JOHN HARP, District #4, stated that Senate Bill 164 was at the request of the Governor. He distributed the Montana Department of Transportation (DOT) proposal. (SEE EXHIBIT 3) In May of 1989 Governor Stevens formed an eleven man commission to look at the feasibility of the DOT in Montana. There are four of those eleven who served on that commission who will testify. They are: Chuck Brooke, Dan Huestis, Larry Tveit and Barry Stang. Senator Harp gave an overview of the proposal. (See Exhibit 3) He stated this would provide a one-stop shopping for the trucking industry by moving the Motor Fuels Division from the Department of Revenue to the Department of Transportation.

SENATOR HARP said that the Board of Aeronautics did have some concerns. They are somewhat autonomous, they do not want to be swallowed up by a so called super highway. One of the ways that is addressed in the bill is that they will have statutory recognition in the DOT and they will also have a Deputy Director. The nine member aeronautics board will be continued on and not be suspended. The same holds true for the Public Transportation Committee. This bill will allow two different agencies to dovetail rather than going in two different directions. There maybe some change from Public Transportation to Rail and Transit. The Highway Commission will stay in place and will also have a deputy director. There is a possibility of putting other areas of state government that could be put under DOT in the future.

Proponents' Testimony:

REPRESENTATIVE BARRY STANG, District #52, expressed support for SB 164. He gave an overview of what the commission did to put this altogether. The general public seemed to be concerned that this bill would become another Department of Family Services and grow on us. What went into this bill will show how in the process, they have streamlined state government. In that process, it will save the state some money.

CHUCK BROOKE, Director of the Department of Commerce, testified in support of SB 164. The result of the study, which was a cooperative effort between the Department of Highways, Commerce Department, Revenue Department, Justice Department and the Public Service Commission, was to pull together documents examining the pros and cons associated with consolidating any transportation functions. This report gave a good inside look at the pros and cons associated within different programs in other agencies. As a result of the commission holding six hearings around the state, the commission gave a special report to the Governor which reflected the testimony of over 100 individuals. There were concerns in three areas: 1) the interests such as aviation, specialized transportation, Montana grain shippers were concerned the by corporating their functions into a Department of Transportation they would become lost in the Department; they expressed concern that there would be a loss in the funding; 3) there was a concern of a loss of the private sector involvement in the advisory capacity to those agencies. concerns have been more than adequately provided for in this bill.

JOHN ROTHWELL, Director of the Department of Highways, stated that the government departments should be responsive to their customers, which are the tax payers of this state. If the DOT bill is passed, that philosophy of better customer service would be enhanced even more. The act must be intermobile, recognizing that highways and mass transit systems must join effectively with air, rail, and water way systems if mobility is to keep pace with our transportation needs.

JOHN ROTHWELL stated that this is why Montana must join the 45 other states in combining all modes of transportation under one policy umbrella. The DOT places all modes of transportation on an equal status. The combination of various modes will allow the Department to give better overall service.

DENNIS ADAMS, Director of the Department of Revenue stated that under the proposed DOT the Department of Revenue will be transferring the Motor Fuels Tax Division to the new DOT. Currently, when motor carriers doing any travelling in interstate business, they usually register an international registration plan (RIP) which allows them to travel in multiple states. base state then shares the revenue with the other states. Effective January 1, 1991, the Motor Fuels Tax Division became a participant in the International Fuel Tax Agreement. This is similar to the RIP in that the base state carriers will only file a report with the State of Montana regardless of what other states they operate in. This requires that the carrier first register with Department of Highways for the RIP, they then get their International Fuel Tax registration with the Motor Fuels Division. By moving them all to the DOT the carrier will be able to do one registration to cover both. The other convenience is in the area of audits. The DOR is required under the International Fuel Tax Agreement to audit 25% of the registrants each year. The RIP Plan also has an audit requirement. The same data is being used for the audits. This way there won't be separate groups of auditors looking at the same records but at different times. The Department of Revenue is supportive of the creation of the Department of Transportation.

JOANNE CHANCE, representing the Montana Technical Council, stated they support SB 164. The consolidation of all areas of transportation would have several benefits. Design professionals and those they serve, would benefit from a consolidated, coordinated Department of Transportation. This would serve to expedite the public projects and simplify functions of responsibilities of the various governmental agencies.

JAMES TUTWILER, representing the Montana Chamber of Commerce, stated they support SB 164. The Chamber had some participation in the early preliminary study. Businesses in Montana depend upon both public and private and usually multiple transportation services in the state.

DAN HUESTIS, Chairman of the Montana Highway Commission, stated the Commission is in full support of SB 164. He said he commends all the divisions who cooperated in this, as well as the eleven member commission. This holds the promise that all those functions of state government can be working together.

BEN HAVDAHL, representing the Montana Motor Carriers Association express support of SB 164. Originally, there were other aspects considered such as including the motor carriers safety division, PSC transportation function, along with the commercial drivers license function. In the brochure it is suggested that the future legislature consider these, MMCA subscribes to that. Mr. Havdahl suggested they be put into an interim study assuming passage of this bill.

KEN DUNHAM, Manager of the Montana Contractors' Association, distributed his testimony in support of SB 164. (SEE EXHIBIT 4)

JIM MANION, representing Triple A of Montana, stated they support SB 164.

JANELLE FALLAN, President of the Montana Highway Users Federation passed out brochures about their organization. (SEE EXHIBIT 5) Ms. Fallan stated they agree with the evaluation section under funding stating "no mode should be perceived as subsidizing another. The highway interests appear adamant that highway user taxes and motor fuel taxes should not be used for non highway purposes".

LORNA FRANK, representing the Farm Bureau expressed support for SB 164.

KAY NORENBERG, representing WIFE (Women in Farm Economics) testified in support of SB 164. (SEE EXHIBIT 6)

BOB STEPHENS, representing the Montana Grain Growers Association, stated they have a resolution which states "the Montana Grain Growers supports the concept of the State Department of Transportation, combining the function of the Highway Department, the rail division, the Department of Commerce and aeronautics, each with divisional status. The system must allow for maximum input by affected industries in geographic areas for all transportation mode. The DOT should allocate the limited funds available as to enhance the total state transportation system to the extent possible."

GEORGE PAUL, representing Montana Farmers Union, stated they support the formation of a Department of Transportation but with reservation. They are extremely concerned about the rail division. Montana agriculture has had a close relationship with the Transportation Division in the Department of Commerce. Mr. Paul stated they are concerned that the function of the rail people is not diminished. There needs to be some signal to the Administration clear across the board that there will be protections in there.

Opponents' Testimony:

MARK LANGDORF, American Federation State, County and Municipal Employee, MT Council 9 stated they opposed SB 164. The Federation represents 350 Highway employees throughout the state. They are concerned about their job security. This bill would open the door to privatization of highway maintenance work through the closure of section houses and contracting out of repair services. There is House Bill 87 which would allow Department of Highways to reciprocate services with adjoining states. MARK LANGDORF stated they are concerned that if Aviation Division needs a Department of Highways plow to come clear an airport runway, and the Department of Highways does not have the supply of manpower and services, how would they support aeronautics. This alludes to if one division is not subservient to another, how can this even take place?

Questions From Committee Members:

SENATOR FARRELL asked John Rothwell about when Motor Fuels and Licensing moves there will not be room for the Public Service Commission and they will have to move out.

JOHN ROTHWELL said that is correct. The PSC has an appropriation request in to move. They were seeking to move in any event because they were out of room and did not have any expansion area. The appropriation is for about \$30,000. If the DOT is formed, it would be more appropriate if they did not move.

SENATOR FARRELL asked how there would be one-stop shopping if one is moving in and the other moving out.

JOHN ROTHWELL stated they are looking at they are looking at Fuels being right there with GVW.

SENATOR HARP asked Wayne Budt if, regardless of this bill, the PSC looking to move because you need additional room.

WAYNE BUDT stated that within the appropriation it was stated that if the DOT needed the space the PSC would be willing to move. The Subcommittee is holding that appropriation pending on what happens to SB 164.

SENATOR HARP asked if it was not for DOT, they would not be moving.

WAYNE BUDT said that was correct.

SENATOR HARP asked how many additional FTEs are being requested in the PSC executive budget.

WAYNE BUDT stated the request was for three FTEs, the Subcommittee gave them none.

SENATOR FARRELL asked if the request was for the Transportation Division or on the other side.

WAYNE BUDT stated it was on the utility side.

SENATOR FARRELL asked if there would be a problem with the Transportation Division staying and the Utility Division moving.

WAYNE BUDT said there would be a problem, just the logistics of dealing with the Commissioners on a daily basis through the hearings and daily contact. It would be tough to have them split apart.

SENATOR FARRELL asked what happens if they are made part of the DOT.

WAYNE BUDT stated it was discussed by the study committee. It means you would have to set up a board to make the decisions that the Commissioners make now. If the Transportation Division becomes part of the DOT, somebody would have to make the decisions on rate increases, granting authorities, etc. You either leave it with the PSC or set up a board.

SENATOR REA asked what the cost of moving would be. Would they have to acquire a building or lease.

WAYNE BUDT stated there is no state-owned building that will hold the PSC. If they move it will have to be into a private building. The cost would then be more. It does not affect the general fund because of the way the PSC is funded with the utility tax. The cost is around \$170,000 initially for the rent and to move, after that it goes down to \$140,000.

SENATOR TVEIT asked about the concern regarding the rail transportation issues. How will that fit into the new DOT.

JOHN ROTHWELL stated that each will be a separate division and that division comes into the DOT as it is now structured. Per their request, they want the name change to go to rails and transit, which even further defines the rail function of that department.

SENATOR FARRELL asked how many accounts are being audited.

NORRIS NICHOLS, Administrator of Motor Vehicles, stated at the present time, as of December 31, 1990, they had 13,000 accounts. Since they have gone into IFTA (International Fuel Tax Agreement) they are eliminating about 7,000 accounts. That includes the intra state carrier and the base state carrier. It was agreed upon, that they would turn the IFTA audits over to the RIP where they can be combined.

SENATOR WEEDING asked if the reduction of two auditors is a saving or will someone else have to pick that up.

NORRIS NICHOLS stated the IFTA requires that 25% of those audits be done every four years. They will be able to do the RIP and IFTA as one audit.

SENATOR FARRELL asked how many RIP accounts they have.

DAVE GALT stated they have about 11,000 RIP accounts, last vear 300 were audited.

SENATOR FARRELL asked if they have enough auditors.

DAVE GALT stated that last year they exceeded their audit requirement. They do have enough auditors, they also pick up temporary auditors in the summertime. They do not have to audit 25% of 6,000 carriers. They have to audit 25% of the IFTA carriers.

NORRIS NICHOLS stated that under the present set up the RIP will audit 12,000 accounts, that leaves a balance of about 4,800 intra state carriers which has not been addressed.

BILL SALISBURY, Department of Highways stated they have combined several areas. It takes auditors from the accounting bureau and the internal audit unit and the civil rights unit. They will not need additional FTEs.

SENATOR FARRELL asked how many are in the rail administration under Department of Commerce.

CHUCK BROOK stated there are 13 FTEs.

PATRICIA SAINDON, Transportation Bureau, Department of Commerce stated that out of the 13, 4 FTEs that handle rail activities. They are responsible for the rail planning activities; working with the Federal Rail Administration; responsible for dealing with the shippers; work with communities in the abandonment hearings; responsible for monitoring train activities or issues brought before the ICC.

SENATOR FARRELL asked why we need to create a fourth division in the DOT and call it Rail and Transit.

PATRICIA SAINDON stated that they don't, it is her understanding that they are looking at the activities of the Transportation Division of the Department of Commerce which has more than one function.

JOHN CRAIG, Intermodal Commodities Bureau, Department of Commerce stated they cover the rail bureau within the Department of Transportation. He stated they are responsible for the federal program known as the Local Freight Assistance Program. They evaluate the state's rail system to determine if any of the rail lines are eligible for federal funding and assistance.

MR. CRAIG said in addition to that, they also have the litigations activities associated with McCarty Farms along with other numerous cases. They have an attorney and a rate cost specialist that assist in providing inputs on these particular issues. Mr. Craig said that in terms of dollars available in the LFA (Local Freight Assistance), there is available \$5 million nationally, currently they are administrating \$1 million in a program which has built up over a number of years.

Closing by Sponsor:

SENATOR HARP closed the hearing on SB164. Senator Harp stated that it has been demonstrated through questioning that there will be savings and is a good conservative approach.

ADJOURNMENT

Adjournment At: 2:55 p.m.

SENATOR CECIL WEEDING, Chairman

PAT BENNETT, Secretary

CW/pb

EXHIBIT NO. 1-29-91

BILL NO. HB \$2.

House Bill 82

House Bill 82 would increase the arrest authority of GVW officers to include authority to arrest for violations of laws regarding special mobile equipment and Liquified Petroleum Gas (LPG).

The Department of Highways is responsible for issuing licenses to vehicles powered by LPG. While GVW officers are the largest license outlet available to LPG users, they do not have the authority to issue citations to users who refuse to obtain an LPG license.

In addition, GVW officers provide coverage on all highway in the state. A major responsibility of these officers is to ensure vehicles are licensed. Adding special mobile equipment to GVW's arrest authority would help ensure that all vehicles are properly licensed.

Since GVW officers are already involved with special mobile equipment and LPG-powered vehicles, adding these items to their enforcement authority would enhance their job performance.

DAG: D: GVW: 144.by

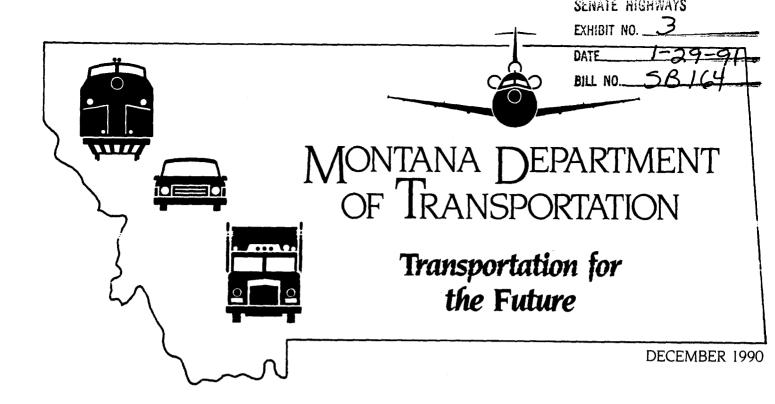
House Bill 84

EXHIBIT NO. 2 DATE 1-29-91 BILL NO. HB84

House Bill 84 authorizes the Department of Highways to enter into agreements with other states for issuing oversize permits.

Currently only the weigh stations, district highway offices and the Helena GVW permit offices issue oversize permits. A large percentage of oversize permits issued by the department are for trips traveling in more than one state.

One current trucking issue throughout the nation is regional oversize permits. These regional permits would greatly reduce the time and paperwork involved in obtaining permits for both truckers and state offices. The bill is essential to allow the use of regional permits in Montana.



n announcing his proposal for creation of a Montana Department of Transportation, Governor Stan Stephens established four transportation goals for Montana:

- to improve Montana's transportation planning for all aspects of transport—road, rail and air. We're faced with a pressing need for a unified vision of Montana's transportation requirements in the 21st century. That need can only be met by consolidating transportation-related functions—system planning, system development, and safety—into a single agency.
- to ensure that safe and efficient transportation facilities and services are available for all modes of transportation in Montana to support and promote jobs and a healthy statewide economy.
- to enhance public service and convenience by providing "one stop shopping" for licenses, fees, taxes and registrations relating to transportation.
- to improve overall government efficiency and reduce costs by streamlining services and eliminating duplicate efforts and programs while, at the same time, providing better, more responsive service.

DOT Structure and Components

eeting Montana's transportation goals will require an organization structured so that all transportation modes share equal standing. There will initially be four statutory divisions within the Department of Transportation (DOT):

- aeronautics
- public transportation
- highways
- ❖ administration

The DOT legislation will include a transfer of Aeronautics and Public Transportation functions from Commerce and the Motor Fuel Tax Division from Revenue. The Highway Department as it exists today will be abolished and its functions incorporated into the new DOT.



Montana Contractors' Association, Inc.

A Chapter of the Associated General Contractors of America

1717 11th Avenue Post Office Box 4519 meena. Montana 53604 Telephone (406) 442-4162 FAX (406) 449-3199

January 29, 1991

Statement of Ken Dunham, Manager Montana Contractors' Association

SENATE BILL 164 - MONTANA DEPARTMENT OF TRANSPORTATION

Creating a Montana Department of Transportation is viewed by the Montana Contractors' Association as a logical and needed step.

Contractors who currently need transportation issues resolved find themselves traveling between two to five separate state agencies, depending on the complexity of the issue or problem. A "one-stop" agency for licencing, fees, taxes and registrations will greatly assist the industry.

By streamlining the state's transportation needs into one department, the construction industry is hopeful that more tax dollars will find their way into highway construction and public facilities construction, and fewer of those dollars required for administration.

We see this as a positive sign for the next century in Montana and urge the bill's passage.

SENATE HIGHWAYS

EXHIBIT TO 4

DATE 1-29-91

BILL NO S B 1 6 4

KEN DUNHAM, Secretary Manager

SENATE HIGHWAYS

EXHIBIT NO. 5

DATE 1-29-91

MONTANA HIGHWAY
USERS FEDERATION





P.O. Box 4519 Helena, MT 59604 0 D164

WIFE Women Involved in Farm Economics

My name is Kay Norenberg, representing WIFE. My thanks to the committee for the opportunity to express our views on this bill. First, we are Wome n <u>Involved in Economics</u>, concerning ourselves with all issues that affect agriculture, and ag. is the primary

industry of the state:

We support the concept of a D.O.T. ONLY if

1/All modes have equal status, and

2/If it can be proven to be economically viable, and

3/If serious consideration is given to the financial costs of relocation. WIFE has worked closely with the transportation authorities in the state for many years, and has always commended them for their professionalism, their expertise and their cooperation.

Last year, in the feasibility study, the comments by the 7 offices involved showed 26 "minusses" and 15 "plusses", so it is obvious that this is a move which should not be made in haste. The study also indicated the need for more staff, not less, in the DOH commentary.

We are seriously concerned that the small (in numbers and budget only)

DOC Transportation division not be relegated to a minor position in this huge new bureaucracy. That office, already impacted by a 19% staff reduction last year, has responsibilities that affect all of us. It deals with situations that means millions of dollars to the State and its citizens, such as rail rates and grain car shortages, monitoring waterways, and grain export problems. And the public transportation of the elderly and the disabled. It even considers the impact of moving bulk shipments on the highways.

Therefore, we suggest a Board of TRansportation commissioners, giving consideration to each mode and each geographic area, appointed for their expertise.

We also feel that, rather than one Administrator, there should be Transportation Directors, from each mode, on the lines of the I.C.C. Finally, we urge restraint—it cost \$200,000 to move the PSC into the DOH building, and the costs of all the relocation necessary at a time when our state has a serious fiscal problem indicates caution and study before drastic steps are undertaken. A temporary solution to the 'onestep' shopping would be a central office to direct traffic to the appropriate office.

		SENATE HIGHWAYS
		EXHIBIT NO.
	WITNESS STATEMENT	BILL NO.
To be completed by a per their testimony entered		
Dated this 29 day of	JAN	_, 1991.
Name: MARK LANGO	ORF	
Address: 36 S. Cast	Chance Gulch	
Telephone Number: 442-	1192	
Representing whom?		
AFSCME MT	Council #9	
Appearing on which proposed 5B 164	esal?	
Do you: Support?	Amend?)ppose?
Comments:		
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WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.
Dated this $\frac{27}{2}$ day of $\frac{1}{2}$ day of $\frac{1}{2}$, 1991.
Name: David A. GAZI
Address: 2701 Prospect AV - Helma
Telephone Number: 444-613
Representing whom?
Appearing on which proposal? HB 82 + HB 84 +
Do you: Support? X Amend? Oppose? Oppose? Comments:

COMMITTEE	ON: HIGHWAYS AND TRANSPORTATION	
DATE:	January 29, 1991	
.	VISITOR'S REGISTER	_
	VISITOR S REGISTER	

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
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DANA HUESTLI	MEN MTHICHWAY GMM.	SB 164	/	
MARK LANGDORF	AFSCME MT Council #9			V
JOHN POTHWELL	DOH	58164		
KAY NORENBERG	WIFE	58164	v	
Mick Rubinson	Dept. of Tustin	SBILY		
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LORNA FRANK		58164	<u>. </u>	-
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(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)

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