

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION
COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN LARRY TVEIT, on February 7, 1995, at
1:00 p.m. in Room 410

ROLL CALL

Members Present:

Sen. Larry J. Tveit, Chairman (R)
Sen. Charles "Chuck" Swysgood, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Arnie A. Mohl (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Barry "Spook" Stang (D)

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Carla Turk, Committee Secretary

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

Committee Business Summary:

Hearing: SJR 9 & SB 251
Executive Action: SB 251

HEARING ON SJR 9

Opening Statement by Sponsor:

SENATOR TERRY KLAMPE, Senate District 31, Florence, presented Senate Joint Resolution 9 as support for the wholly state funded highway project which was endorsed by the Governor in his State of The State Message and included in the Governor's Executive Budget. SENATOR KLAMPE asked the Committee to imagine half of the Senate gone, dead and removed from the earth since the time legislature had met two years ago. He portrayed that image as what had taken place on Highway 93 in the past two years and

interpreted the scenario as unacceptable with need to do something toward a remedy. **SENATOR KLAMPE** proclaimed it was unfortunate that a legislature could not authorize the reconstruction of a highway and termed a Resolution as the best approach.

SENATOR KLAMPE contended that the people on Highway 93, other corridors of U.S. 2, Montana 200 and others know the condition of the road is not good and that something needs done. He cited the need for planning a long-range program to accomplish the needs of these highways and depicted money and time as the basic ingredients needed. He termed the Resolution, along with the Governor's plan, as the framework necessary to the plan. **SENATOR KLAMPE** attested that the Resolution was supported by the Governor and had been crafted in a bipartisan manner by people living along Highway 93 and some of the other highways he had mentioned.

Proponents' Testimony:

Marvin Dye, Director of the Montana Department of Transportation, said he was appearing before the Committee in support of SJR 9. He stated that the Montana Department of Transportation (MDT) had spent considerable effort over the past two years in identifying about thirty-eight hundred miles of their most important highways for inclusion in the National Highway System. **Mr. Dye** characterized the system as serving all cities of five thousand or more population, 70% of all motor vehicles in service, 75% of all commercial traffic, all agricultural regions and all Indian Reservations. He defined approximately twelve hundred of the miles on their interstate system as in relatively decent condition and identified those miles as the ones in blue on the map before the committee (**EXHIBIT #1**).

Mr. Dye identified the other twenty-six hundred miles as made up of important east-west corridors such as U.S. 2 and Highway 200, and north-south corridors such U.S. 93, U.S. 87, U.S. 191, Highway 59 and Highway 16. He explained that 25% of these routes were built more than forty years ago and 60% did not meet current standards. **Mr. Dye** maintained that these corridors needed to receive more attention than they do under current level funding. He reported the twenty-six hundred miles routes as shown in red on the map.

Mr. Dye characterized MDT's 2006 Financial Plan, endorsed in the Executive Budget, as addressing many of these needs over the next ten years. He related that the Plan called for cleansing the trust by eliminating and resisting diversions, early retirement of the existing \$109,000,000 debt and a wholly state funded construction program which would result in an additional \$145,000,000 being spent on these high priority corridors over the next ten years. **Mr. Dye** articulated to the Chairman and members of the Committee that this Legislature had the opportunity to buy into a long-range plan which created jobs in

the private sector and improved high priority corridors connecting our mining, manufacturing and agricultural production, and national and international marketing and provided increased mobility and safety. He attested that these things could be accomplished with no new taxes or fees. (EXHIBIT 2)

Tom Hardin, County Road Supervisor for Teton County, stated that in 1992 they were encouraged to push forward and lobby for the last gas tax increase on the basis that after forty years maybe something could be done to improve the secondary highways in their county and other counties in Montana. He reported that \$15,000,000 of that gas tax money was supposed to have been set aside and channeled toward the Save Our Secondaries (SOS) program. **Mr. Hardin** reported that his county had utilized the program for two consecutive years and would not be eligible in the coming year, because of funding. He attested that they had one hundred and thirty miles of secondary roads in their county which had not been touched for forty years. He identified the current program as only a bandaid until they were able to accumulate enough money to match federal dollars for a full blown reconstruction plan. **Mr. Hardin** stated that he thought they would have to rely on the SOS program for many, many years. He explained that they would have to save for twenty years in order for their county to qualify for a federal program, by matching the federal dollars to do twenty miles of road.

He professed support for SJR 9 from Teton County, along with all of the County Commissioners with him at the Hearing. He said they had seen past instances where monies had been diverted from gas tax programs and the public had not really been made aware of the diversions and funds were used for other Departments, etc. which cut down the amount of gas tax money available. **Mr. Hardin** claimed they would like to support the Governor's Program except on page 1, line 23, 'implicit in the fuel tax increase was the commitment to a wholly state-funded construction program that includes funds to address the needs of Montana's secondary highway system through the Save Our Secondaries (SOS) Program;'. He explained that they would like to add language to tie the plan down, by saying 'to provide \$15,000,000 annually to the counties'. He reported that not only did they feel monies were diverted from the gas tax to other departments for operations, but they sometimes felt some of the monies may have been diverted from the counties by the time it reached the lower levels of dispersement. **Mr. Hardin** reiterated their support for SJR 9, the Governor's Program.

Carl Schweitzer, Montana Contractors Association, stated that they whole heartedly supported SJR 9, and reported having worked with the Department and Governor to develop a plan which would get the state through the year 2006. He defined the Resolution as allowing the people he represented to make good financial decisions through knowing what the state's long-range plan entailed. He identified the insight of such a plan as enabling his people to make financial decisions regarding needed equipment

and personnel, but reported the State as the recipient of the best deal through passage of the proposed decade long transportation program. **Mr. Schweitzer** reaffirmed their wholehearted support.

Don Allen, representing himself, reported having worked the past year on behalf of the National Highway Users Federation in regard to promotion of the National Highway System Bill in Congress and working with various Montana groups who organized the Montanan's For The National Highway System group. He stated that during this process many people had become involved and the opportunity was there to hear about the importance of the highway system and highway program and their importance to the State of Montana. **Mr. Allen** reported Senator Baucus as having presented the Bill to Congress and of its' last minute failure, but termed the Bill as a very positive, bipartisan effort involving Montana's entire Congressional Delegation. Mr. Allen characterized the Governor's proposal contained in SJR 9 as important to Montana and reported himself as standing in support.

Ben Havdahl, representing the Montana Motor Carriers Association, expressed their support of the Resolution. **Mr. Havdahl** identified their position during the last Legislature as not supporting the county road program with the additional three cent increase which followed the previous four cent diesel fuel tax increase. He said that the first item under the resolve spoke to the Governor's Program, and they had to assume that was the reconstruction trust fund program and their Association had supported that specific funding. **Mr. Havdahl** reported that they generally supported the resolution without any amendment to section one.

Sue Akey with AAA Montana, attested that she was representing a membership of over 90,000 who were very interested in the highways of the state. She verbalized their desire to be put on record as supporting the legislation.

Pat Saindon said she had been asked by **Patricia Abelin, Highway Commissioner from the Butte District,** to read her testimony into the record. (EXHIBIT 2A)

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR GREG JERGESON asked, if the estimates made last session regarding the amount of revenue the Department of Transportation would derive from the motor fuel taxes had been accurate, where would the Department's construction program budget be falling now? **Marvin Dye** replied that if you considered the affect of the four and three cent fuel tax increases, the gallons and everything else, he thought you would find that numbers were fairly accurate. He termed the 'red herring' in the whole thing

was in moving the taxation point on diesel to the distributor level. He emphasized that no one knew what that would do. **Mr. Dye** stated that there were only several states in the nation which had done that sort of thing and there had been no way to project how much evasion was going on. He professed that this was the best way he could address the revenue issue and if it was correct. He stated that their budget would have been at current level just like it was now. **Mr. Dye** stated that as they saw revenues materializing during the last nine months they had carefully thought out the reality of the numbers, and had revisited the issue of whether to reduce the fuel tax, looked at their needs and the final analysis was the 2006 Plan. He conveyed that they felt the Plan was the honest way to deal with this issue in the best interest of all Montanans and contended that he felt most Montanans would endorse that Plan.

SENATOR JERGESON interpreted that the Department had gained unexpected revenue from the point of taxation change made and in turn the Department had decided to spend that revenue? **Mr. Dye** responded that this Legislature would decide whether or not to spend it.

SENATOR JERGESON rephrased his statement to ask if it was the Department's recommendation to spend that money? **Mr. Dye** replied yes.

SENATOR JERGESON stated that he wanted to know what level of spending would the Department be recommending, had that revenue not materialized? **Mr. Dye** answered that if the revenue increase, for example, had been \$10,000,000 the Department's spending increase probably would have been \$10,000,000 less, as they would have tried to live within their budget with a focus on needs. **Mr. Dye** continued, that the needs were clearly there.

SENATOR JERGESON asked, if the last legislature had adopted the Administration's recommendation for an increased tax of five cents and five cents, or a total of ten cents, would the Department have also found a way to spend that additional revenue generated? **Mr. Dye** replied that the Department would have appeared before the Legislature with a plan, however he did not know what that plan would have looked like, as they had not run the scenario. He stated that they may have made a decision to reduce some more debt along with the idea of reducing fuel taxes.

SENATOR JERGESON questioned that if the fuel tax had gone up to ten cents a gallon, about an additional \$18,000,000, would have been included in the Department's expenditure plan? **Mr. Dye** replied that he did not know that they would have, because the Department was limited by some degree in its ability to respond. **Mr. Dye** said he wasn't certain whether the Department would have suggested an \$18,000,000 larger construction program, chosen to recommend reducing debt or recommended reducing fuel tax. He maintained that he quite frankly did not know what that plan

would have been, but it would have been, just like the one before them, a plan offered to this Legislature.

SENATOR JERGESON stated he could understand the Department's desire to plan for the long term, but do you think that desire is peculiar to your Department and not shared by other functions and agencies in responsibility to state government? **Mr. Dye** responded that he had been in several Departments of state government and he thought it was always wise to plan ahead. He explained that, at least, in the Department of Transportation when it takes three to five years to design, acquire right-of-ways, and finalize development of a project it really made sense to have a long range plan. He rendered it a waste of money to continually change plans each time legislature met, versus a good long range plan like the one proposed.

SENATOR JERGESON queried as to whether Mr. Dye was saying that the Department of Transportation should occupy special status in state government? **Mr. Dye** replied that he did not believe he had stated that. He continued that he had said it made sense for all governmental agencies to plan ahead, but in this one specifically.

SENATOR JERGESON accounted that he didn't think he had any more questions, but in commentary, he and other members of this Committee were involved in sub-committees where some pretty massive cuts were being proposed and taken in agencies who didn't have an opportunity to plan ahead. He persevered by stating that this kind of resolution was unprecedented in the whole budgeting process, by marching in and declaring themselves a special Department who should receive special treatment in comparison to other departments in state government.

SENATOR BARRY STANG asked for a clarification of what the Resolution was going to do for the white roads on the map handed out. **Mr. Dye** explained the white roads as a combination of secondaries, other roads or primaries which did not make it onto the national highway system. Mr. Dye conveyed that within the Resolution it spoke to the state or secondary program which was already in place. **Mr. Dye** continued that many of the routes were funded by regular federal aid programs or other sources. He said the important part that these were identified by citizens across the state as the most important thirty-eight hundred miles of road work. He contended that if this pot of money was bottomless, there were a lot of things which you would try to address. He continued that with a limited money those would be the highest priority routes.

SENATOR STANG asked if he meant the white roads? **Mr. Dye** replied no, the red and the blue.

SENATOR STANG questioned how much, if any, of the extra money found would be applied to the white roads, or was it all going into the federally matched programs? **Mr. Dye** replied, that would

be a Commission decision, but the Department was recommending that the application be made to those high priority routes with high average daily traffic, high accident rates and failing pavement or other problems.

SENATOR STANG commented that in his District the white roads were the ones with all of those problems and it did not appear the proposed plan would provide any money for them.

SENATOR LINDA NELSON asked how the Department felt about the suggested amendment to nail down the \$15,000,000 for the counties? **Mr. Dye** said that he got the impression from Mr. Hardin, when they talked earlier, that he just wanted to make sure that the \$15,000,000, and adding what was in current level budgeting, was dedicated to those secondaries. **Mr. Dye** said he understood that Mr. Hardin still intended the Department to administer the program and had only wanted the money identified. He suggested the Senator may want to address the question to Mr. Hardin.

SENATOR NELSON asked if Mr. Dye was stating that he would have no problem adding that amendment? **Mr. Dye** replied no.

CHAIRMAN LARRY TVEIT asked how much money presently went to the secondary program he was speaking about, and commented that the proposed plan was for primaries and not county projects? **Mr. Dye** replied that currently \$15,000,000 went into the wholly state funded program, Save Our Secondaries Program, and the Department worked with counties for a financial district type distribution allocation. He said there was also a secondary federal aid program where the counties made the decisions on which routes they wanted to spend the monies on.

CHAIRMAN TVEIT asked how much money went in that program? **Mr. Dye** said it was also about \$15,000,000 statewide.

CHAIRMAN TVEIT asked if that made a total of \$30,000,000 for the county secondary program yearly. **Mr. Dye** replied yes.

SENATOR RIC HOLDEN asked if some legislator had called Mr. Hardin to come testify on the Resolution, or how had he become involved? **Mr. Hardin** answered that when the Save Our Secondaries Program was first conceived their county had recognized that this was the first time in history that counties might get some money to fix their old pavement up. He continued that they had seen the Joint Resolution come out, and they felt money may have been diverted somewhere else. **Mr. Hardin** contended that they did not want to fall between the cracks, and were not saying they didn't want the money administered through the Department and its' planning departments, but the county did not want to see reduced funding.

SENATOR HOLDEN asked if the blue highway through Teton County was an Interstate? **Mr. Holden** said no, that was a state highway, and

the map had no indications of their county's one hundred and thirty miles of secondary highways.

SENATOR HOLDEN asked if Mr. Hardin had a problem with the Interstate or the state Highway? **Mr. Hardin** said he had no problem with the Interstate, or the state highway which was maintained by the state.

SENATOR HOLDEN stated that he didn't feel the Resolution was going to help Teton County, because Senator Stang had pointed out the fact that the white highways weren't being addressed. **Mr. Hardin** stated that Highway 89 was in a different category than a secondary highway. He said that they were stating that the SOS Program was currently in place through the last gas tax allocation and it was the first time the County had received any money. **Mr. Hardin** said they had not seen any language in the Resolution which actually earmarked the annual money amount for the SOS Program and the County only wanted that assurance.

SENATOR NELSON commented that she had never been too excited about Resolutions, because of their lack of teeth. She questioned where this Resolution had come from, was it something the sponsor had devised as good for the highways? She continued to ask if it was something he had thought of all by himself, as good for the highways and a measure by which to give legislature a little pressure to support highway funding or what was the background? **SENATOR KLAMPE** said he would repeat his opening statement that this was a bipartisan effort to craft this Resolution and it was put together by Representatives and Senators who live along the 93 corridor, plus some from some other highways. **SENATOR KLAMPE** declared no, this was not a little idea he had dreamt up one night, it was an idea that has been talked about via the telephone for the past six months.

SENATOR NELSON asked the sponsor why he was carrying the Resolution all by himself, instead of getting the signatures of the other legislators? **SENATOR KLAMPE** answered that it was his custom and his habit not to get people to sign on Bills, and that he did not believe it was a good custom.

SENATOR NELSON commented that usually when Resolutions came in there were many names.

SENATOR STANG asked if he could request that Mr. Dye provide a traffic count, the time of the year, and the place taken for the red and white roads? **Mr. Dye** said they could get it for the Senator.

CHAIRMAN TVEIT stated that because the highways mentioned were among the Highways of National Significance and were in the federal schematic to be improved, and because of the language in the Resolution regarding international markets and continued by asking the sponsor if he would object to amending a couple more highways into the Resolution? **SENATOR KLAMPE** replied that he was

not in opposition to that amendment. He said that during meetings with the legislators and the Department, that was discussed at length, a consensus was reached that as many people as possible should be included in the Plan. He continued that it wasn't just Highway 93 which needed repair.

Closing by Sponsor:

SENATOR KLAMPE expressed a desire to respond to two comments. He remarked that it was not hard to get the attention of legislators who are around these highways, when there had been the numbers of deaths and injuries which have been occurring. **SENATOR KLAMPE** referred to Highway 93, with its' twenty-seven deaths and untold injuries in two years time, and termed the situation as totally unacceptable. He said the legislators on these kinds of corridors where these high instances of death and injury were occurring were hearing from their constituents.

SENATOR KLAMPE stated that he appreciated Senator Jergeson's direct questioning but, in regard to the Senator's comment terming this as an unprecedented Resolution, it was also unprecedented to have twenty-seven people dying on one highway in two years. He informed Senator Nelson that was where he came into the Resolution, and maintained that he felt strongly about this. He insisted that he thought a Resolution was the best that could be done. **SENATOR KLAMPE** attested that he also felt a little strange about doing Resolutions, but if it was the best which could be done he thought they owed it to their people.

CHAIRMAN TVEIT declared the hearing on SJR 9 as closed.

HEARING ON SB 251

Opening Statement by Sponsor:

SENATOR CHARLES "CHUCK" SWYSGOOD, SD 17, Dillon, said SB 251 was the product of a collaborative agreement which was worked out by a number of the people named in the Bill. He said the process was chaired by **Former Senator Jerry Noble** who will describe the policies in a few minutes. He said the Bill proposed adoption of a state transportation policy, struck a balance by encouraging energy conservation, transportation planning and reorganization, and recognizing the unique characteristics Montana has. He stated that he would let those who had come to testify, do so.

Proponents' Testimony:

Jerry Noble, of Great Falls, identified himself as a **Former Senator, Chairman of the Environmental Quality Council (EQC), and Chairman of the Transportation Energy Collaborative,** which was

bringing this legislation before the Committee for consideration. **Mr. Noble** explained that last session the legislature adopted a Bill which provided for the incremental development of a comprehensive state energy policy by the EQC and affected stakeholders and agencies. He said the first element of that comprehensive energy policy was adopted last session when legislature approved a residential energy efficiency policy and package of provisions which resulted in affordable new energy efficient homes being built across the state for moderate income Montanans. He attested that it also resolved a ten year controversy over residential building codes for new construction in Montana.

Mr. Noble rendered that the EQC built on last session's success, acting on the recommendation of the Department of Natural Resources and Conservation (DNRC), by forming a collaborative to develop a transportation energy policy which would compliment the Montana Department of Transportation's (MDT) Tranplan 21 which was being developed during the last interim.

Mr. Noble related that the EQC, together with the MDT and DNRC, developed a list of stake-holders who had an interest in developing a transportation energy policy, and invited them to participate. He stated that a list of those participants could be found as appendix I in the final report before the Committee Members (**EXHIBIT # 3**). He identified the people on the collaborative as a diverse group which was asked to work together on a consensus basis to develop policy of mutual benefit.

Mr. Noble explained that the collaborative developed ground rules to govern their work, and were attached to (**EXHIBIT #3**) as Appendix II. He stated that such group diversity made it difficult, in the beginning, to come an agreement regarding what the focus of the collaborative should be. He stipulated that decision had been to develop the general transportation energy goal statement found in section 2 of the Bill.

Mr. Noble depicted the next step as discussion and development of the alternative fuels policy for Montana. He articulated that Montana has several laws expressing legislative intent on alternative fuels, such as special taxation and incentives for various forms of alternative fuel. He said the policy found in Section 3 of SB 251 did not alter those existing provisions, did not have any affect on existing ethanol subsidies and only cleaned up some language in policy. **Mr. Noble** proclaimed that SB 251 gave guidance on how existing incentive and taxation programs should be considered as part of the future policy for encouraging the use of alternative fuels in Montana and for Montanans.

Mr. Noble rendered that other members of the collaborative were present to testify and asked the Committee to act favorably on SB 251. **Mr. Noble** reported that members of the collaborative who were present had agreed to support the Bill as a 'non-amendable package, according to the ground rules' he had mentioned earlier.

He attested that he stood ready to answer any questions the members may have regarding the collaborative's work or SB 251.

Mr. Noble articulated that he wished for amendments, being considered by the Committee, be given to the MDT, DNRC, himself and collaborative members for time to study and consult with the Committee as to their position regarding those amendments. He thanked the Committee and stated that he thought the collaborative process, face-to-face with all interests at the table, was a good way to do business and develop sound policy for Montana.

Paul Reichert, Alternative Energy Resources Organization (AERO), accounted that five or six of their members had participated in the collaborative throughout the year and they supported SB 251 as written. He commented that he thought the Bill fell short in the area of transportation demand management, or the demand side of the equation.

Mr. Reichert said some facts in Montana warranted local communities to look at how they modeled transportation alternatives, and referred to the AERO project he coordinated with government groups to promote transportation alternatives and community design options to promote Montana communities.

Mr. Reichert said that sixteen per cent of Montana's journeys to work were made in a transportation mode other than driving alone or car pooling, and Montana had twice the national average of people who walked. He remarked that the Bill did not really address what the state's interest in promoting transportation demand management strategy was, or how to make alternative modes of travel more viably cost effective. He contended that other than the issues of concern he had stated, he supported the Bill.

Don Allen, representing himself and work that he did for Montanans to support National Highway Systems, said he participated in the collaborative and maintained that they had a difficult time getting off dead center at first. He stated that once they moved beyond beginning frustrations they crystallized an idea of what could be handled in the short period of time available. He viewed the product before the Committee, as well as some of the desires of those involved which could not be adopted into the framework, as having coming out well and deserving support. **Mr. Allen** described the collaborative as a wide-ranged group with different sets of circumstances and backgrounds who spent a lot of time discussing and nurturing the outcome to its productive state. He urged passage of the Bill.

Bob Gilbert, representing himself, as a member of the collaborative, and as a past Chairman of EQC, stated that he thought the collaborative had resulted in people of differing opinions coming together to work to a consensus, and had proven that it did work. He termed the Bill before the Committee as doing the major things needed. He summarized the contents of

Section 2 as a statement of the energy policy needed for the state's future.

Mr. Gilbert verbalized Section 3 as speaking about fuels, fuel blends, etc. and termed himself as the one who requested discussion on fuel blends for the primary benefit of ethanol in the state. He cited a present lack of equipment on the road to afford ethanol production in Montana to move with the flow of what the EPA calls alternative fuels, which is 85% ethanol. He had requested addition of blended fuels to the Bill, as they would like to see the availability of ethanol expanded. **Mr. Gilbert** described this as a way of recognizing and acknowledging the importance of ethanol. He stated that there had been controversy and uncertainty as to how far the state should go with incentives and the statement only provided for support to get a product up and rolling as a viable alternative to whatever product is already available. **Mr. Gilbert** made acknowledgement of a good, forward moving plan and urged the Committee's support.

Nancy Lee, of Montana Power Company, related their support of SB 251 and termed herself as one of the stake-holders of the collaborative process. She stated that Montana Power believed alternative fuels in Montana made economic and environmental sense. She identified Montana Power as currently operating twenty percent of its fleet vehicles on natural gas fuel.

Ms. Lee said they supported the fuel neutral stance in this policy, as they believed each alternative fuel had its own unique market sector, benefits and unique economics. She said the adoption of an alternative policy for fuels allowed them to be proactive and the state or federal mandates were not applicable. She stated that the alternative energy policy added value to native fuels in economic development of new and fledgling industries in Montana. She said the value of alternative fuels in keeping our state's environment clean can be demonstrated economically, provided that the state has an alternative policy to manage their growth.

Bill Allen, representing the Montana Audubon Legislative Fund, requested their support for SB 251 be added for the reasons previously stated. He further commented that they felt an alternative policy was crucial for the state and that our current liberal consumption of fossil fuel is both environmentally damaging and economically unsound. He claimed that thousands of dollars were spent annually combatting the air and water pollution caused by current transportation practices. **Mr. Allen** termed the present sources of fuel as non-renewable and said they would always continue to increase in price, thus leaving us vulnerable to price fluctuations instigated by foreign interests. He stated that they agreed with EQC's working group recommendations that incentives be offered to encourage new alternative fuels.

Bob Stephens, representing the Montana Grain Growers Association, said they were present to support SB 251 and expressed their support for some amendments to be presented, if those amendments were in support of the ethanol production in the State of Montana.

Bob Youngberg, representing the Montana Farm Bureau Federation, commented that he thought SB 251 offered an opportunity to promote energy conservation, while at the same time encouraging the use of a renewable resource and expanding the market of one of Montana's biggest, clean running commodities. He encouraged support and stated that if the amendments came in, they would be willing to support the amendments.

Maureen Cleary-Schwinden, representing Women Involved in Farm Economics (WIFE), said they supported SB 251 and they also supported the amendments to be provided.

Gail Abercrombie, Executive Director of the Montana Petroleum Association, a division of the Rocky Mountain Oil & Gas Association, attested that she had participated in the collaborative and the hard-arrived-at product before the Committee. She said she represented the Petroleum Association as stated in the report, but also the Natural Gas Committee. She proclaimed her support arose from the fact that compressed natural gas was produced by her members and used in vehicles, and fuel blends contained part petroleum. She stated that she could not support the amendments which she understood would be presented, and only supported the Bill as crafted.

The following two testifiers will be presented verbatim, as it was requested and released prior to these minutes. Possible questions regarding the testimony prompted the Chairman to consult with Senate Leadership for prior release.

"I am **Mark Simonich, Director of the Department of Natural Resources and Conservation,** and we are here today on behalf of the Department to support Senate Bill 251. SB 251 embodies the results of a collaborative effort that has been described to you to develop a transportation energy policy. The collaborate was established by the EQC in March of the last year and ran through this last December. As directed by the Legislature, DNRC served as the staff to this collaborative. Over thirty groups or individuals participated in the formulation of these energy policies that are embodied in this Bill. Many of these were from groups that are rarely in the same room, let alone working on a consensus policy."

"The collaborative came to a consensus in two areas: One is a general transportation energy policy and the second is a policy on alternative fuels. A third area transportation demand management, the collaborative agreed the work proposed by Montana Department of Transportation needed to be done first, before the collaborative could really get into that area. We believe many

of the members of the collaborative will probably attending a conference that the Department of Transportation is putting on this May in the area of transportation demand management."

"You all need to remember the national fuel shortages in 1973 and 1979 to appreciate how much energy affects transportation. The general public recognizes this importance also. In a survey the Department of Transportation did last fall, respondents gave saving energy a surprisingly high priority among action items for that Department. This finding came at a time when energy was hardly a front page issue. The Department of Natural Resources supports the energy policy because it is a balanced approach. It says energy efficiency is the cornerstone of the State's transportation energy policy. A more efficient system is a more cost effective one, and that's good for the Montana economy. This year almost \$800,000,000 will be spent on gasoline and diesel fuel. Increased efficiency can lower that bill. The proposed policy directs the state away from trying to control supply, which was the problem with the....Federal energy efforts back in the 1970's. Instead this policy focuses on energy use and how to manage and plan an efficient transportation system. However, the policy does not call for an unthinking devotion to energy conservation. It requires the state to balance its' energy concerns with all of the other concerns that must be addressed by a transportation system."

"DNRC supports the alternative fuels policy because it focuses on the most exciting and most important aspect of alternative fuels. That is the environmental benefit. Alternative fuels such as ethanol and compressed natural gas can reduce the impact cars have on our lungs and the quality of our air. The collaborative also identified guidelines for implementing the alternative fuel policy. Because the question is so complex to build before you recommend, rather than mandate those guidelines. This will give executive agencies the flexibility to respond sensitively to special cases, while still moving in the direction of a strong market-based alternative fuel industry."

"In conclusion, the Department of Natural Resources urges this Committee to recommend adoption of this Bill. The collaborative process is not an easy or a fast one, as you have from other proponents, but the Department believes that it is a positive and productive means to address each type of public policy questions. Previous collaboratives have clarified issues, and by doing so, have helped the legislature focus on the most important questions. DNRC believes passage of this Bill will encourage citizens to continue to participate in this facet of legislative processes."

"Mr. Chairman, Members of the Committee, for the record my name is **Pat Saindon**, I am the **Administrator of the Transportation Planning Division, of the Department of Transportation**. I am here to provide testimony in support of SB 251, as Mr. Simonich and Mr. Noble have already spoken to the proceedings of the

environmental quality and transportation energy collaborative. This collaborative was convened in the spring of 1994, under provisions of a statute enacted in the last legislature, which, though it did not mention transportation, did create a general process to incrementally develop a state energy policy. Under the provisions of that statute the Department of Natural Resources recommended that transportation energy policies be developed as one of the components of a Montana comprehensive energy policy."

"I note the basis for the work of the collaborative because I believe it is important that this Committee fully understands that there is no requirement either in state law or federal statute to have a state transportation energy policy. As regards to the Federal Transportation Program, its' policy is not required by either ISTEA (Intermodal Surface Transportation Efficiency Act) or any other federal law or regulation. In short, the Federal Transportation Program Funds are not dependant on Montana, or any other state, on having a transportation energy policy."

"Of equal importance is that all federal planning, management system and programming requirements of ISTEA are being implemented on schedule. Sometimes, at near heroic efforts, but need to be on schedule. I can assure you that throughout this last year meeting the ISTEA, in order to assure the Transportation Program was executed, was our staffs highest priority. But, even though there is no requirement to have a state transportation energy policy, because of the potential for tremendous impact to Montana's transportation Programs, at both the state the local levels, we participated vigorously in the collaborative once it was convened, with existing staff constraints."

"In accordance with the ground rules adopted by this collaborative, we did not compromise our values or adopt positions we felt were adverse to the best interests of the Transportation Program. Also included as a provision in the ground rules of the transportation collaborative is a provision, as you've heard before, that we shall support this, legislation shall be supported by all participants as a non-amendable package. And we do support 251 as non-amendable for two reasons. First, it may provide a rational framework for future state capacity to programs regarding alternative fuels. On this point I know positions have not changed in any way the existing ethanol production incentives, and secondly; we support 251 as a non-amendable package because of the enormous amount of transportation and energy and time that was devoted to the transportation collaborative over the past year."

Opponents' Testimony:

Mark Schutt, a Principal with Great Plains Ingredients, said he stood before the Committee as opposed to the Bill as written. **Mr. Schutt** stated that he had talked with the DNRC and MDT and especially with Van Jamison of the DNRC and felt that some members of the collaborative were seeing the Bill differently than he was. **Mr. Schutt** verbalized those differences as the reason he was presenting amendments which he felt would improve the Bill.

Mr. Schutt maintained that he did support section 1 and 2, but was offering amendments to section 3. (EXHIBIT 5) He reviewed the amendments and explained that his group felt a good alternative energy policy was necessary and that there was need to show their financial backers that a strong, encouraging alternative energy policy did exist in the state.

Mr. Schutt stated that the first amendment dealt with the implementing guidelines because he felt the legislature was facing tough financial decisions because the citizens wanted more constrained spending and felt the words economic and social should be added to the statement.

Mr. Schutt said they supported section (2), but also wanted 'economic' added within (c). He said they had concerns regarding section (2) (a) where it said all 'policies and programs should have in-state benefits', because they believed their plant would probably have minimal environmental benefits to the State of Montana. He further stated that it would however, have tremendous economic benefit to the state, and gave a thumbnail sketch of the figures he felt they would be contributing to the economy. He explained that the language which was struck in (2) (c) was because in business that was called market and they did not believe the Legislature should be telling business that it had to be doing marketing. He continued that they would also like to strike the rest of that section, with the consideration that the current incentive program for ethanol would sunset in the year 2001 and the state may want to readdress those incentives at that time.

Mr. Schutt maintained that they were not building a \$120,000,000 to \$150,000,000 facility just to take advantage of a \$3,000,000 or \$1,500,000 state incentive, but because the production facility stood on its own. He said that if the incentive was taken away it would not hurt their economics, but attested that they wished to continue the incentive, as it allowed them to take the investors something which stated that the state was willing to attract this industry.

Questions From Committee Members and Responses:

SENATOR GREG JERGESON asked for a response to the amendments. **Former Senator Jerry Noble** said he would not speak in favor of or in opposition to the considered amendments. He stated that when 'temporary' was struck the Committee may have to consider whether the present ethanol subsidy to producers, which would sunset in 2001, was temporary or permanent. **Mr. Noble** related that the collaborative had spent some time on item (i) under (c) 'consider incentives for the production, retail, and consumer level;' and stated that today's ethanol incentive was thirty cents a gallon to the producer. He explained that until 1983 there had been an incentive to the retail and at that time there were a number of stations in Montana which sold ethanol and when the retail incentive dropped, virtually all of the incentive money left the state. **Mr. Noble** maintained that the collaborative had felt that it would be worthwhile for the Legislature to consider incentives not only for production, but possibly for retail and consumer levels again for the purpose of helping move the product in Montana. He explained those thoughts as the basis for language in the Bill which the amendments proposed to strike, and expressed a desire to inform the Committee of the reason for the language.

SENATOR ARNIE MOHL asked who paid for the incentives? **Mr. Noble** answered that the state had a fund of approximately \$6,000,000 coming from the highway trust fund. He stated that up to that amount could be used, but each producer was limited to its use. He stated that he thought \$600,000 to \$800,000 was currently being used annually, and the balance of the \$6,000,000 reverted back to the highway fund.

SENATOR MOHL asked if a fiscal note could be obtained? **SENATOR SWYSGOOD** said he was sure they could.

SENATOR LINDA NELSON stated that the federal government considered gasohol an alternative fuel, but asked if the state government did? **Mark Simonich** said the state did not have a specific language addressing that. He said his Department looked at that ethanol blend as a step in the right direction and the current 90% gasoline, 10% ethanol is a blend they have encouraged.

Closing by Sponsor:

SENATOR SWYSGOOD contended that he did not know what a fiscal note would reveal, when this type of legislation was a policy statement. He reviewed the energy bill which was passed in the 1993 session by stating the he was one of two Senators who voted against the measure because he had concerns about what it would lead to. He said he was standing before the Committee as result of that concern and the effort by a lot of people who went into addressing some of the areas which he was really concerned about.

He termed those concerns as making life and the ability to do things in Montana much more difficult than they currently are.

SENATOR SWYSGOOD explained that with an energy policy which was so restrictive, there could possibly be no highway construction at all. He said that he felt the Bill was a group of recommendations instead of a mandate, from a group of people who worked very hard to arrive at those recommendations and still remember that in order to have a transportation system you had to have highways. He explained that with those highways, the restrictions on constructing those highways had to be economically feasible.

SENATOR SWYSGOOD said, while he respected the opponents views and related benefits to the particular product which they were in the process of manufacturing, that as a Sponsor of the Bill he wanted to stand before the Committee as unreceptive to any amendments. He insisted that was because of the efforts of all the individuals who had been associated with the Bill's development. He attested that the Bill was not all things to all people, but it was a very fragile makeup of concerns and ideas which wouldn't take much to unravel. **SENATOR SWYSGOOD** stated that while he thought everyone had the opportunity during the collaborative to have input, there were always some who were not satisfied with the end result. He said he understood and respected that fact, but as Sponsor of the Bill he would not be inclined to accept any amendments.

CHAIRMAN TVEIT declared the Hearing on SB 251 as closed and reminded testifiers to sign in. He further stated that the Committee was likely going to have Hearings on Saturday, and probably next Thursday evening to finish work prior to transmittal. He suggested the need to proceed with executive action on Bills heard, and asked the Committees pleasure on the Two Bills just heard.

Discussion:

SENATOR STANG asked to hold Executive Action for one meeting, for the purpose of obtaining the information he had requested from MDT regarding SJR 9. The Committee agreed to hold action as requested.

EXECUTIVE ACTION ON SB 251

Motion:

SENATOR SWYSGOOD MOVED SB 251 DO PASS.

Discussion:

SENATOR MOHL said he would withdraw his request for a fiscal note. He said he had not understood the source of the incentive and whether the money would be regained, and asked if that could be explained? **SENATOR SWYSGOOD** said the incentives were those allowed for the production of ethanol and he thought there was one plant in at Ringling, Montana, which received that incentive. He stated that he thought the incentive was for so much a gallon for production and because there was no place in-state who would blend the ethanol. He said the problem he had with the amendments being offered and more incentives that were related to in the amendments, was that when producers sold out-of-state some states also offered an incentive. He described that scenario as a double incentive with basically no benefit to the state on that portion. **SENATOR SWYSGOOD** said he had no problem with the alternative fuels portion, he thought it was good to utilize an agriculture crop to derive benefits, but right now it was in its infancy and until there were more major oil companies willing to look at this fuel there was concern of incorporation into the fuel policy. He said he also had problems as it to looking at the impact energy could have related to transportation, and the construction of roads and he thought the Bill addressed those concerns without the amendments. He said the incentives had nothing to do with this particular Bill.

CHAIRMAN TVEIT reviewed for Senator Mohl that of the \$6,000,000 program, there was a million and one half which went to each producer and said the program would sunset in the year 2001. He said some states had even mandated the use of alternative fuels in state vehicles.

SENATOR SWYSGOOD asked the (WIFE) representative if she had a comment regarding his interpretation. **Maureen Cleary-Schwinden** said she understood that the agricultural community did not want to lose any benefits it may have by supporting amendments which may not have been clearly understood prior to having declared support for them. She said that on behalf of her organization, if benefits could be gained from the Bill as written, without those amendments, they would clearly want to be on record to gain those benefits rather than losing any benefits at all.

SENATOR HOLDEN stated that he did not understand why the Bill was so critical to send the Department of Transportation to begin developing this energy policy, etc. **SENATOR SWYSGOOD** explained that it had been the overall direction of the last Legislature to do so. He said that even though transportation was not included in that directive, although he felt it was in that particular bill, now transportation was being included in the state-wide energy policy and the state was saying these were the perimeters which will be worked under.

SENATOR COLE said there was housing, and now transportation and asked if there was anything else to come? **SENATOR SWYSGOOD** said he was sure there was and that was probably why he voted against the bill last session.

SENATOR SWYSGOOD asked for some input regarding the collaborative's thoughts on the ethanol subsidy? **Mr. Noble** related that the collaborative had wrestled with the fact that the subsidy to the ethanol producer basically went out-of-state. He said in the beginning they had tried to focus that any incentives should stay in state, but that was determined as not true and the intent of the collaborative came to be that the producer or the production incentive still should be considered for help purposes whether kept in state or not. He said that if our grain was used to make ethanol and ship it somewhere else, it was certainly a value-added product for Montana. **Mr. Noble** said he thought **Mr. Schutt** had been concerned that the collaborative was going to cut off the possibility of financing needed by his company, however **Mr. Noble** said he didn't read that into the Bill. He said that if any Committee Member did read the Bill that way they should probably review the matter further, but the collaborative did not think the problem existed.

CHAIRMAN TVEIT quoted the language on page 2, line 27 regarding phasing out incentives, and continuing on through line 29 where the language may be contradictory when it addressed considering broadening incentives, and asked if the language could be explained? **Mr. Noble** said he didn't know if he could explain the language of the Bill, but reaffirmed the Collaborative's lengthy study regarding the topic. He said they had wanted the Legislature to use its wisdom whether the incentives should only go to production or to possibly include the retail or consumer levels. He expressed the intent had been to phase out the incentives somewhere down the road.

SENATOR JABS asked about the language in lines 20 and 21 and wondered if economic benefits should be included in the statute being adopted. **Mr. Noble** responded that there was the possibility of some concern there, and acknowledged that the recommendation by others had been for social and economic benefits.

SENATOR JABS asked if the sponsor thought the statute should read for environmental benefits only when someone may come up with a plan for real economic benefit and not really be provided for? **SENATOR SWYSGOOD** said he wasn't sure.

Motion:

SENATOR JABS MADE A SUBSTITUTE MOTION TO AMEND THE BILL TO INCLUDE ENVIRONMENTAL AND ECONOMICAL BENEFITS.

Discussion:

SENATOR SWYSGOOD asked the DNRC to comment on the proposed change. **Paul Cartwright** said he thought the final decision had been that the overall policy called for looking at economic, social and environmental benefits and the question had been why the state would want to single out alternative fuels for a specific policy. He said the point with the most agreement was that if the environmental didn't make a difference, then anything else would not need a separate policy, rather they would be incorporated under the general policy.

SENATOR JERGESON said that since the overall policy spoke to economic, social and environmental, why were there any of the three words in there? He thought the language should simply state 'produces benefits for the State of Montana'. **Mr. Cartwright** said that in section 1 it referred to current legislation in statute, and stated that it had been agreed to focus on environment as the most significant, but he agreed with Senator Jabs that you should not just keep ladling policy to fill the books. He said the intent had been to focus and encourage agencies to do something but not encourage them to do everything.

CHAIRMAN TVEIT asked if present legislation contained the general language, then why was environmental included here and not simply stated as benefits? **Mr. Cartwright** observed that the collaborative had worked over a very long eight months and the package had been crafted as a result of that time spent.

CHAIRMAN TVEIT asked him if he had commented that there was economic and environmental language on the books now? **Mr. Cartwright** answered yes and the new state energy policy looked at all of these benefits and lifted them out as economic, social and environmental. The language in section 1, page 1, continuing on page 2 was pointed out as current language in current law.

SENATOR SWYSGOOD explained the Bill as only having one new section and that was as it related to the transportation policy.

Motion/Vote:

CHAIRMAN TVEIT reminded the Committee that there was a motion on the floor to amend the Bill.

Discussion:

SENATOR SWYSGOOD spoke against the amendment on the basis that he had made his statement clear. He commented that while he did not have a problem with what was being done, he thought if they looked through the Bill they would see that all policies and programs should have in-state benefits. He further stated that if the buying of grain and use of that crop was an economic

benefit, then that policy would so state it without the amendment. He said he thought he had to stand by his earlier statement regarding not amending the Bill.

SENATOR STANG said he would probably vote against the amendment for the sake of consistency to Section 1 where it stated social, environmental and economic. He said that if the Committee was going to change this to state economic and environmental it would be inconsistent.

Vote:

THE MOTION (FAILED ON ROLL CALL VOTE #1) WITH SENATORS SWYSGOOD, NELSON, STANG, MOHL and JERGESON voting no and SENATORS TVEIT, HOLDEN, COLE and JABS voting yes.

CHAIRMAN TVEIT reported the substitute motion as failed, and SENATOR SWYSGOOD'S Motion for DO PASS was before them.

The question was called for.

Vote:

THE MOTION (FAILED ON ROLL CALL VOTE #2) WITH SENATORS TVEIT, HOLDEN, NELSON, COLE, and MOHL voting no and SENATORS SWYSGOOD, STANG, JERGESON and JABS voting aye.

Motion/Vote:

SENATOR SWYSGOOD MOVED TO TABLE SB 251

THE MOTION (PASSED ON ROLL CALL VOTE #3) WITH SENATORS TVEIT, SWYSGOOD, HOLDEN, NELSON, COLE, MOHL, and JABS voting yes and SENATORS STANG and JERGESON voting no.

ADJOURNMENT

Adjournment: The Meeting was adjourned at 2:55 p.m.



SENATOR LARRY TVEIT, Chairman



Carla Turk, Secretary

MONTANA SENATE
1995 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE 2/7/95

NAME	PRESENT	ABSENT	EXCUSED
MACK COLE	X		
RIC HOLDEN	X		
REINY JABS	X		
GREG JERGESON	X		
ARNIE MOHL	X		
LINDA NELSON	X		
BARRY "SPOOK" STANG	X		
CHUCK SWYSGOOD, VICE CHAIRMAN	X		
LARRY TVEIT, CHAIRMAN	X		

MONTANA SENATE
1995 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 2/2 BILL NO. SB 251 NUMBER # 1

MOTION: Senator Jabs made a substitute motion to
amend the bill to include Economic, mental and
Economical Benefits

NAME	AYE	NO
LARRY TVEIT, CHAIRMAN	X	
CHUCK SWYSGOOD, VICE CHAIRMAN		X
RIC HOLDEN	X	
LINDA NELSON		X
MACK COLE	X	
BARRY "SPOOK" STANG		X
ARNIE MOHL		X
GREG JERGESON		X
REINY JABS	X	

MONTANA SENATE
1995 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 2-7-95 BILL NO. SB 251 NUMBER # 2

MOTION: Senator Swysgood Move
SB 251 DO PASS

NAME	AYE	NO
LARRY TVEIT, CHAIRMAN		α
CHUCK SWYSGOOD, VICE CHAIRMAN	x	
RIC HOLDEN		α
LINDA NELSON		x
MACK COLE		x
BARRY "SPOOK" STANG	α	
ARNIE MOHL		x
GREG JERGESON	x	
REINY JABS	x	

MONTANA SENATE
 1995 LEGISLATURE
 HIGHWAYS AND TRANSPORTATION COMMITTEE
 ROLL CALL VOTE

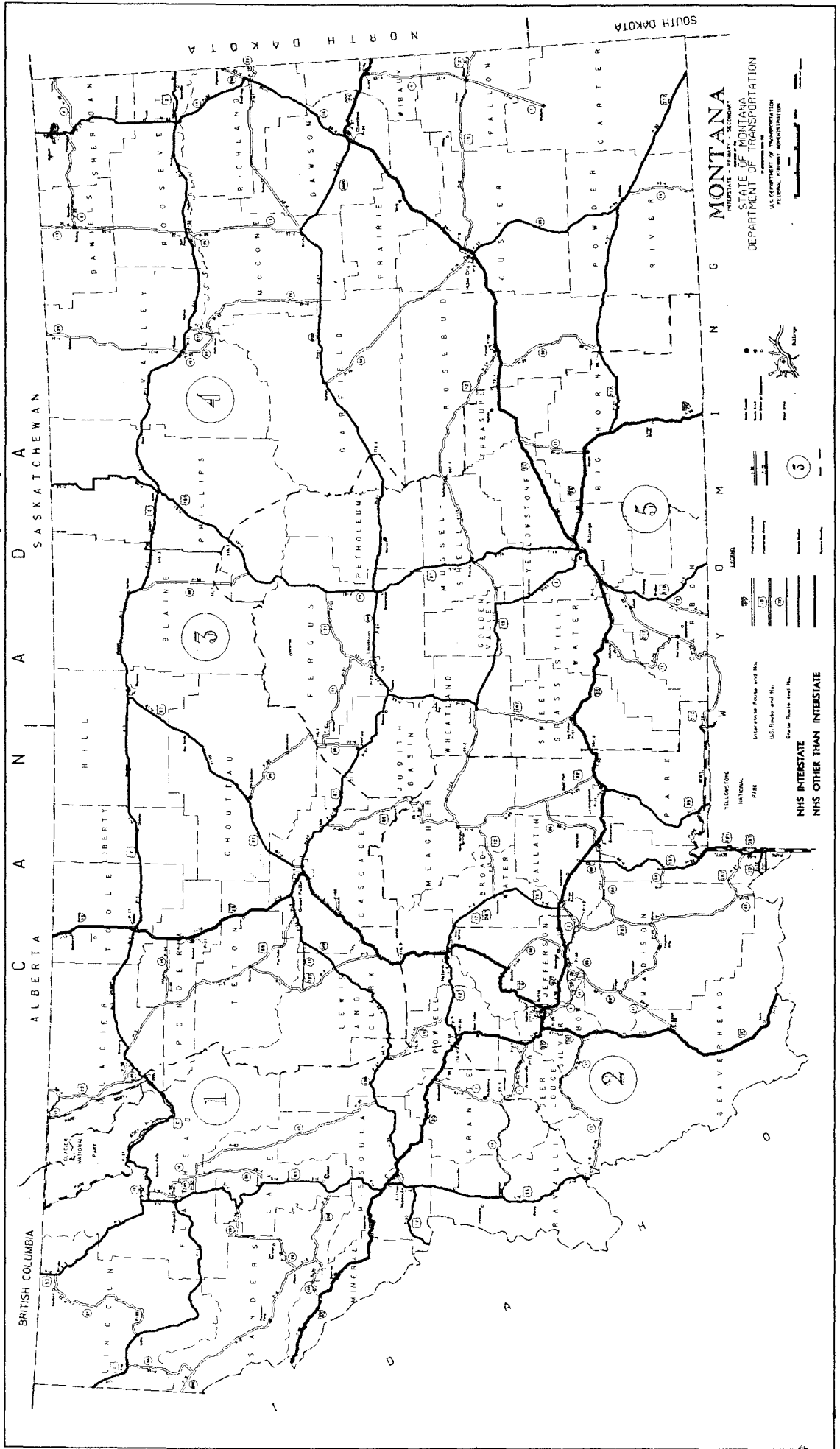
DATE 2/7 BILL NO. SB 251 NUMBER #3

MOTION: Senator Swysgood Moved to
Table SB 251

NAME	AYE	NO
LARRY TVEIT, CHAIRMAN	X	
CHUCK SWYSGOOD, VICE CHAIRMAN	X	
RIC HOLDEN	X	
LINDA NELSON	X	
MACK COLE	X	
BARRY "SPOOK" STANG		X
ARNIE MOHL	X	
GREG JERGESON		X
REINY JABS	X	

SENATE HIGHWAYS
 EXHIBIT NO. 1
 DATE 2/2
 BILL NO. SJR 9

INTERIM NATIONAL HIGHWAY SYSTEM (NHS) 12-01-93



the existing \$109 million debt, and a wholly state funded construction program that will result in an additional \$145 million being spent on these high priority corridors over the next ten years.

Mr. Chairman, members of the committee, this legislature has the opportunity to buy in to a long range plan that creates jobs in the private sector, improves high priority corridors connecting our mining, manufacturing and agricultural production to national and international markets, and provides increased mobility and safety. This can be accomplished with no new taxes or fees. Thank You.


SJR 9

Mr. Chairman, members of the committee, for the record my name is Marv Dye, Director of the Department of Transportation. I appear before you in support of Senate Joint Resolution No. 9.

The Department of Transportation has spent considerable effort over the past two years identifying about 3800 miles of our most important highways for inclusion on the National Highway System. This system will serve all cities of 5000 or more population, 70% of all motor vehicle traffic, 75% of all commercial traffic, all agricultural regions, and all Indian reservations.

Approximately 1200 of these miles are on our Interstate system and are in relatively decent condition. The other 2600 miles are made up of important east/west corridors such as US 2 and Highway 200 and north/south corridors such as US 93, US 87, US 191, Highway 59 and Highway 16. Twenty five percent of these routes were built more than 40 years ago and sixty percent do not meet current standards. These corridors need to receive more attention than they presently do under current level funding.

The Departments 2006 financial plan endorsed in the Executive Budget, will address many of these needs over the next ten years. This plan calls for cleansing the trust by eliminating and resisting diversions, early retirement of



Montana Department
of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

SENATE HIGHWAYS

EXHIBIT NO. 2A

DATE Racicot, Governor 2/7/95

BILL NO. SJR 9

February 7, 1995

Chairman Larry Tveit and
Members of Senate Highways
& Transportation Committee
Montana State Capitol
Helena, MT

Subject: Statement of Support for SJR 9

Mr. Chairman and Members of the Committee:

While I am unable to attend today's hearing, I am asking that this letter be read into the record as testimony.

For the record, I am Patricia Abelin and serve as the Highway Commissioner for the Butte District.

Highways are crucial and central to the well-being of every region of the State. As a member of Montana's Highway Commission, which equitably represents all regions, I am well aware of the statewide highway system needs, including system preservation, safety and the need to add capacity in selective corridors.

I support SJR 9 because it supports the continuation of the wholly state-funded construction program which is a crucial component in the state's overall efforts to address these needs. The needs are there, present in every Highway District. SJR 9 says we're committed to addressing them. SJR 9 also supports directing the trust fund revenues towards the intended use of these fees. In short, it supports resisting new and eliminating old trust fund diversions. The resolution also supports working to avoid fluctuations in funding for the highway program. Such fluctuations seriously disrupt program delivery and ultimately increase project costs.

Of equal importance with what SJR 9 does is what it does not. It does not change Montana's highway funding distribution and financial district laws. As a member of the Highway Commission which has statutory authority to set priorities and select highway construction projects

Page 2
February 7, 1995

according to procedures which include the financial district laws, it is my firm conviction that SJR 9 does not open up or change the existing methods for distributing or prioritizing highway funds. Although US 93 is one of many important Montana corridors, this route is referenced in SJR 9 only as an example. Clearly there are needs in every district of the state, and our existing financial district laws remain the best method to assure an equitable and appropriate distribution of resources.

Consequently, Mr. Chairman, Members of the Committee, I would ask you to support SJR 9.


Patricia Abelin
Butte Highway District Commissioner

PA:SSS:D:TP:22.kmc

ENVIRONMENTAL QUALITY COUNCIL
TRANSPORTATION ENERGY COLLABORATIVE
FINAL REPORT

Submitted by
Department of Natural Resources and Conservation

December 20, 1994

SUMMARY

The Transportation Energy Collaborative sponsored by the Environmental Quality Council (EQC) developed recommendations on a general transportation energy policy, a goal statement for the state's alternative fuel policies and programs, and a list of policies to guide implementation of that alternative fuel policy goal.

RECOMMENDED POLICIES

General Policy

It is the transportation energy policy of the State of Montana to promote actions that encourage the conservation of energy through the environmentally responsible management and planning of efficient transportation systems. This policy further recognizes that energy conservation must be balanced with the state's interest in establishing and preserving and maintaining a safe, efficient transportation system which equitably meets the mobility needs of Montana's citizens and connects them to the nation's economy.

Goal statement of the state alternative fuel policy

The state encourages the use of alternative fuels and fuel blends to the extent that doing so produces environmental benefits to citizens of Montana.

Implementing Policies

- A. All policies and programs should have in-state benefits.
- B. Policies and programs should be coordinated among the affected agencies.
- C. The state recognizes incentives as a temporary tool to implement the alternative fuel policy. Recipients should develop a plan, including an educational component, to phase out the incentive.
 - Consider incentives to the production, retail and consumer level.
 - There should be a logical link between revenue sources and incentives.

-- Encourage the use of self-sufficient markets.

D. Any state alternative fuel program should have measurable benefits that are communicated to the public.

E. The state and local governments should be encouraged to set an example with their vehicle fleets in the use of alternative fuels and fuel blends.

F. Consistent with Policies A-E above, encourage production of alternative fuels and fuel blends.

BACKGROUND AND HISTORY

On January 28, 1994, the Environmental Quality Council authorized the formation of a Transportation Energy Collaborative. This collaborative grew out of 1) changes in federal policies on clean air, transportation and energy, 2) executive branch interest in transportation demand management, and 3) legislative interest in formulating a state energy policy.

Federal legislation

The passage of the federal Clean Air Act Amendments of 1990 (CAAA-90), the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Energy Policy Act of 1992 (EPACT) highlighted Montana's lack of a transportation energy policy. The CAAA-90 requires, as a condition for continued funding, that federally-funded highway projects conform with applicable state implementation plans (SIP) for air quality remediation in areas that do not meet federal ambient air quality standards. Many of the potential solutions for air quality problems involve increased energy efficiency. ISTEA, among other things, encourages the development of alternatives to the use of single occupancy vehicles. Use of these alternatives can lead to a more energy efficient system. ISTEA also requires the state transportation planning process consider 23 factors, including any energy use goals and objectives, connections between modal facilities, and other activities that relate directly or implicitly to increased energy efficiency. Finally, EPACT promotes the increased use of alternative fuel vehicles, for reasons of both energy security and reduction of environmental impact.

Executive branch

As part of his budget for the stripper well oil overcharge funds, Governor Racicot proposed a program dealing with transportation demand management¹ (TDM) and alternative fuels. This program grew out of suggestions submitted to the Office of Budget and Program Planning (OBPP) in October, 1992, by the Energy Division, Department of Natural Resources and Conservation (DNRC), and the Rail and Transit Division (now part of the Transportation Planning Division), Montana Department of Transportation (MDT). DNRC's proposal addressed both TDM and alternative fuels; MDT's proposal focused on TDM. At OBPP's suggestion, these two proposals were combined into one proposal and incorporated in House Bill 10. That bill established a "cooperative program between the departments to promote transportation demand management and to foster expanded use of alternative fuels."

Legislature

The 1993 Legislature adopted an Energy Policy Goal Statement for Montana (Senate Bill 225, codified as MCA Sec. 90-4-1001 et seq.). This goal statement was developed by a collaborative study group established by House Joint Resolution 31 (1991). It is now the policy of the State of Montana

"to promote energy conservation, production, and consumption of a reliable and efficient mix of energy sources that represent the least social, environmental, and economic costs and the greatest long-term benefits to Montana citizens."

The legislature recognized that the specifics of the policy would be developed incrementally. It directed the EQC to work on specific components through a "consensus process" undertaken by "a working group composed of representatives of the parties with a stake" in the issue.

The study group that developed the energy policy goal statement had initially suggested studying three energy policy development topics, including motor vehicles/transportation; however, these were postponed pending identification of necessary funding and staffing resources. Though HB10 was introduced prior to the adoption of the Energy Policy Goal Statement, several

¹Transportation demand management (TDM) strategies are programs designed to maximize the people-moving capability of the transportation system by increasing the number of persons in a vehicle, or by influencing the time of, or need to, travel. TDM strategies cover a wide range of activities, including carpooling, provision for bicyclists and pedestrians, urban design to minimize the need to travel, and telecommuting.

legislators suggested it might be the means of continuing the development of a policy on transportation energy. DNRC, in cooperation with MDT, submitted a proposal to EQC to that end. This was the proposal that EQC adopted on January 28, 1994.

Purpose of the collaborative

The purpose of the collaborative process was to develop a transportation energy policy for Montana. At a general level, this policy would provide guidance to MDT, DNRC, and any other relevant agencies, including local governments, in carrying out their responsibilities under state and federal law. More immediately, this collaborative also would make specific recommendations to MDT and the three urbanized area Metropolitan Planning Organizations to assist in their transportation planning processes.

The transportation sector accounts for about one-third of the energy consumed in Montana, and the vast majority of all the petroleum products consumed. In Montana, more money is spent getting down the road than in building the road. The amount all drivers, public and private, spend this year in Montana for gasoline and diesel will be about twice that spent on road construction, maintenance, and operation. As a related policy concern, changes in energy use, whether for reasons of increasing vehicle efficiency, government mandate, or supply disruption, affect the amount of fuel taxes collected. Since fuel taxes are one of the largest accounts in state collections, second only to income tax, changes in energy use can have major fiscal implications.

There was and is a growing appreciation that energy, transportation, and environmental issues often are different aspects of the same problem. For instance, ISTEA requires the states to at least consider state or local energy use goals, objectives, programs or requirements in their transportation planning. However, the rationale for a state transportation energy policy should go deeper than any single piece of federal legislation. And neither ISTEA nor the CAAA-90 in fact demands that states have such a policy. Instead, it was conditions in Montana itself that pointed to the need for a conscious and coherent state policy on transportation energy:

- 1) Energy supply disruptions do happen and the public has held state government responsible for mitigating their impact.
- 2) The health of the environment and the ability of the state to comply with state and federal air quality laws such as the Clean Air Act are affected significantly by the use of transportation energy.

- 3) If cost-effective transportation demand management strategies can be defined for Montana, the state may be able to avoid or delay costly highway system improvements.
- 4) The cost of transportation energy is a significant component of many goods shipped in or out of Montana.

Operation of the collaborative

The collaborative was established by inviting a wide range of Montanans. Suggestions of people to invite were made by DNRC and MDT; additional names were suggested at the first meeting of the collaborative. Over 70 people were contacted directly; others inquired or attended based on word-of-mouth. The collaborative held eight meetings between March 2 and December 7. Average attendance was 33 (high - 42, low - 24). In all, 79 people signed attendance sheets at various meetings (Appendix 1); a few more attended occasionally without signing in. Paul Sihler, EQC staff, facilitated the first meeting. A competitive solicitation for facilitators resulted in EQC hiring Gerald Mueller, Consensus Associates, to serve at all subsequent meetings.

The collaborative developed a set of ground rules (Appendix 2). These rules addressed how the collaborative was to proceed and how it would make recommendations. In particular, all participants agreed that all decisions would be made by consensus. Because the collaborative was intended to be a forum for frank and open discussions, detailed minutes of the proceedings were not kept. A list of those organizations that had members signed in attendance at meetings where consensus decisions were reached is in Appendix 3.

Following consultation with MDT, DNRC had recommended to EQC that the collaborative focus on transportation demand management and alternative fuels. Then, based on specific issues considered under the first two points, the collaborative could try to set a general policy direction on transportation energy use. However, once established, the members of the collaborative began to debate among themselves which direction to take.

In general, the first meetings dealt with the issues of how broad transportation energy policy should be, on how it differed from transportation policy, on how any energy/transportation policy should be developed, and on how the work of the collaborative should relate to MDT's efforts to prepare the long-range transportation plan required by the federal government. The collaborative eventually decided to start with general transportation energy policy. Tentative agreement was reached at the third meeting, the statement was modified slightly at the fourth meeting, and that version was reaffirmed at the eighth and last meeting.

The collaborative then agreed to take up the issue of alternative fuels, followed by transportation demand management, to the extent time allowed. Both a goal statement for the alternative fuel policy and a list of implementing policies were agreed upon. A goal statement was adopted at the seventh meeting and reaffirmed, with slight grammatical changes, at the eighth meeting. The implementing policies were adopted at the eighth meeting.

Little time was available to discuss TDM prior to the Legislature's convening. Several members thought the collaborative should be continued in some form so that TDM could be considered. MDT offered to host a conference in May to discuss technical issues surrounding TDM in Montana. The conference would be open to anybody from the collaborative who was interested. Exactly what if any state policy might be needed on TDM would be clearer then, as both DNRC and MDT would have started their TDM programs by that time.

Throughout the collaborative, MDT provided regular briefings on its work on TRANPLAN 21, the long-range plan required by ISTEPA. Early in the collaborative, MDT had requested that the group serve as a focus group to provide input on topics believed to be of interest to the collaborative. Some collaborative members eventually provided formal comments as individuals. However, the collaborative as a whole agreed not to attempt to develop consensus recommendations to MDT.

The collaborative adjourned following its December 7 meeting.

TRANSPORTATION ENERGY COLLABORATIVE

ABELIN, Patricia	MDT-Highway Commission
ABERCROMBIE, Gail	MT Petroleum Association
AKEY, Sue	AAA Montana
ALEXANDER, Ronna	MT Petroleum Marketers
ALLEN, Don	Montanans for NHS
ANDERS, Cindy	MDT
ANDERSON, Jerome	
BABCOCK, Tim	EPAC
BALL, Shirley	EPAC
BELL, Wally	DOT
BENNITT, Gretchen	MT Air Quality Bureau
BLACKWOOD, Clint	Travel Montana
BURCHETT, Dave	MT PSC
CARTWRIGHT, Paul	DNRC, Energy Division
CHOC, Wesley	AAA Montana
CLEARY-SCHWINDEN, Maureen	W.I.F.E.
COLE, Mark	Port of Shelby
CRICK, Linda	AAA Montana
CURRIE, Jim	MDT
DAILEY, Jerry	MT Citizens Freight Rate Association
DAVIS, Alan	DNRC
DeHAAN, Roger	Highway 93 Coalition
DELANO, John	BNRR
DYE, Marvin	MDT
FOGARTY, Bill	Port of Montana
FORSETH, T. R.	MT Highway Commission
FRANTZ, Bob	DNRC, Energy Division
GILBERT, Bob	Citizen
GLANCEY, Jim	Brimm Energy
HARRINGTON, Henry	Missoula Bike Pedestrian Advisory Board
HAVDAHL, Ben	Montana Motor Carrier Association
HUYS, Marcia	Citizens for a Better Flathead

EXHIBIT 3
DATE 2-7-95
SB 251

ISLAM, Sam	Missoula Office of Community Development
JACKOLA, Chris	EPAC
JAMISON, Van	DNRC
JONES, Cedron	TAWSE, MEIC, MAC
KEIM, Pat	Burlington Northern
KRESS, Mike	Missoula MPO
LARSON, Marla	DNRC, Energy Division
LUDWIG, Alan	ISD, Telecommunications
MCCARTHY, Colleen	Helena City Commission Policy & Development
McDUFF, Roy	DOT
MALEE, Con	MPC
MARTIN, Randy	DOE Denver Support Office
MILLER, Dave	Federal Highway Admin.
MUELLER, Gerald	Collaborative Facilitator
NIELSON, Linda	EPAC
NIELSON, Mary	W.I.F.E.
NOBLE, Jerry	EQC
O'DONNELL, John	MPC
OTZINGER, Sandy	MT Association of Counties
OWEN, David	MT Chamber of Commerce
PALADICHUK, Jim	MDU
PAUL, George	Montana Grain Growers
PETERSON, Vernon	MT Association of Counties
RANGEL, Ben	Great Falls MPO
RAUCH, Mary	CTEP/Gallatin Co
REICHERT, Paul	AERO
ROSE, David	DYE Mgt. Group
ROWE, Mary	Gallatin County Planner
SAINDON, Patricia	MDT-Trans. Plan Div.
SCHMIDT, Deborah	EQC
SCHWEITZER, Carl	Montana Contractors Association
SIHLER, Paul	EQC
SIMONICH, Mark	DNRC

SMITH, Ed	MT Highway Commission
STEVENS, Bob	National Association of Railroad Passengers
STRAEHL, Sandy	MDT
SWENSON, Keith G.	Designer/Planner
TERRY, Howard	Three Rivers CDC
THIELMAN, Deanna	Eagle Transit
TVEIT, Larry	State Senator, Sidney
WOSEPEKA, Moe	Rocky Mountain Trade Corridor
WHITE, Jim	Dept. of Administration ISD
WILLIAMS, John	Bicycle Federation of America
WILLIS, Gary	MPC
ZARNDT, Robert	MT Local Government Energy Office
ZUROFF, Fran	Farmer-Rancher
ZUROFF, Wanda	W.I.F.E.

**APPENDIX C
GROUND RULES**

EXHIBIT 3
DATE 2-7-95
1 SB 251

**ENVIRONMENTAL QUALITY COUNCIL
TRANSPORTATION ENERGY COLLABORATIVE
August 4, 1994**

I. Purpose

- A. The purpose of the Environmental Quality Council (EQC) Transportation Energy Collaborative (Collaborative) is to:
1. Develop and present to the EQC policy statements addressing energy as it relates to transportation;
 2. Develop strategies to implement the policy statements; and
 3. Provide input regarding energy to the Montana Department of Transportation's transportation planning process, TransPlan 21.

II. Decision Rule

- A. All participants in the Collaborative are committed to seeking consensus in the development of policy statements. Commitment to seeking consensus means that individual participants are committed to:
1. Express candidly their interests or concerns in the issues considered in developing the policy statement and implementation strategies;
 2. Listen respectfully to and seek to understand the interests and concerns expressed by other members;
 3. Search creatively for opportunities to address all interests and concerns;
 4. Explore fully all issues before forming conclusions; and
 5. Forego characterizing to the media or in other public meetings the interests and concerns of other members.
- B. Seeking consensus does not mean that members are expected to compromise their values or adopt positions adverse to their interests.
- C. Any transportation energy policy goal statement or policy statement recommended to the EQC must be adopted by consensus; that is, all Collaborative participants must agree to the statement.
- D. The consensus recommendations adopted by the Collaborative shall be supported by all participants before the EQC and the legislature as a non-amendable package.
- E. Policy implementation strategies need not be supported by consensus; instead, in the final report to the EQC they will be listed together with amount of support, e.g. consensus or majority, within the Collaborative for them. Minority views will also be listed.
- F. No agreement within the Collaborative will be sought about input into TransPlan 21.

III. Participation in the Collaborative

- A. Prior to August 5, 1994 participation in the Collaborative as a consensus maker is open to anyone, except that only one representative of any given group at a time may participate in Collaborative decisions.
 - 1. Alternates may participate in Collaborative meetings; however, participants are expected to keep their alternates informed about Collaborative deliberations.
- B. After August 4, 1994, new participants may be added by consensus of the Collaborative. New participants must agree to abide by the existing ground rules.
- C. Continuity of participation is important to the Collaborative's progress, therefore:
 - 1. Participation in all meetings is required; however, with an absence excused by the Collaborative Facilitator, a participant can participate via written submittal; and
 - 2. Two unexcused absences, and one loses his or her participation in consensus-making.
- D. An individual can represent more than one organization; however, he or she has only one vote, not the number of votes corresponding to the number of organizations represented.

IV. Media Contacts

- A. Contacts with the media on behalf of the Collaborative shall be made only by its Chairman and shall be limited to describing the Collaborative's purpose, process, and issues under discussion unless otherwise directed by a consensus of the Collaborative.
- B. Individual Collaborative participants are free to respond to media inquiries if they clarify that they speak only as an individual and not on behalf of the Collaborative, except they may not attributive statements to others or characterize the positions of others.

V. Meeting Minutes

- A. The Collaborative Facilitator will draft and distribute summary minutes of meetings that capture decisions and key elements of the meeting discussions.
- B. The minutes from each meeting will be approved by the Collaborative at the next meeting.

EQC TRANSPORTATION COLLABORATIVE:
Attendees when policies were discussed

This table lists those organizations that had members signed in attendance at the meetings where the transportation energy policy (Column 1), the alternative fuel policy (Column 2), and implementing policies for the alternative fuel policy (Column 3) were considered.

	<u>1</u>	<u>2</u>	<u>3</u>
AAA Montana	x	x	x
AERO	x	x	x
BNRR	x		
Citizens for a Better Flathead	x	x	
DNRC	x	x	x
Eagle Transit	x		
EPAC	x	x	x
Gallatin County Planning	x		
Bob Gilbert	x	x	x
Great Falls MPO	x	x	x
Helena City Commission	x	x	x
ISD, DoA	x		
Missoula Bike Ped Advisory Board	x		
Missoula Office of Community Development	x	x	x
MT Association of Counties	x	x	
MT Citizens Freight Rate Association	x	x	x
MT Contractors Association	x		
MDU	x	x	x
MDT	x	x	x
MT Grain Growers	x	x	x
MT Highway Commission	x	x	x
MT Petroleum Association	x	x	x
MPC	x	x	x
Montanans for NHS	x	x	x
National Association of Railroad Passengers	x	x	
Port of Shelby	x		
Keith Swenson	x		
TAWSE, MEIC, MAC	x	x	x
Three Rivers CDC	x		
Travel Montana, DoC	x		
WIFE	x	x	x

- 1 - General policy: Tentatively adopted May 11, reaffirmed June 28 with minor changes, reaffirmed again December 7.
- 2 - Alternative fuels policy: Tentatively adopted October 20, reaffirmed with minor changes December 7.
- 3 - Implementing policies: Affirmed December 7. (A preliminary list was discussed October 20.)

EPAC Minority Report

FAX to Jerry Noble

Dear Jerry,

The statement and implementing policy, as I received it, was sent to the EPAC Board and a few other members. Some comments have been returned to me, and I will try to capture them on this paper. In regards to implementing policy, concerns are:

In "*A*" *policies and programs should have in state benefits* . It is a vague statement, but when coupled with the alternative fuel policy, could be interpreted to mean that the state will only allow incentives to ethanol used in areas of Montana where there are environmental benefits. There was a lot of discussion at the collaborative about "giving an incentive to ethanol" and having that ethanol shipped to out of state markets. The original incentive was meant as an economic incentive, to provide a value added business that would pay taxes and provide jobs, not as a means to acquire a clean fuel. If Montana wants an environmental incentive that is another matter. Environment was not a consideration when the law was passed to put the ethanol incentive into place. The other thing to remember is that Montana companies are working towards building ethanol facilities in the state. There will be more ethanol from those plants than can be used in the state. They will need to export to other places. However, we customarily send Montana grain other places. It makes good sense to provide industry to Montana before the starch from the grain is exported in the form of ethanol.

We need to put this in a positive light, as ethanol can provide both economic and environmental benefits to Montana and the nation. Consider what would happen if the same implementing policy were applied to the energies of coal, oil and hydro. They receive incentives, too, although not as apparent as the ethanol incentive, and

those energies are shipped out of state. It helps Montana in the overall picture by building on our natural resources. Of course, ethanol has an advantage of also being renewable. As the accompanying article shows, states that offer economic incentives are really expanding their ethanol production at this time.

In policy "C" PHASE OUT INCENTIVES. It appears this policy is focused only on ethanol. There is already a date in legislation that the current incentive will expire in the year 2001. The concern is that someone opposed to ethanol, could take policy C to a legislative hearing and say, the ethanol industry agreed to the statement that the incentive could be phased out. Then, a budget conscious legislature could say, all right we need to start the phase out now. In good faith, the ethanol industry has gone to lenders with this promise from the legislator. Lenders have committed funds to build facilities and to operate the business. An official with a pending ethanol company told me if this collaborative policy became public, it would cause another delay for their business. The company putting their funding package together would have to call a halt until it is decided.

The Department of Transportation does not like the idea of the incentive coming from what they consider "their" funds, but these are tax dollars. There was reference at collaborative meetings that Montana has to turn down matching Federal dollars. I have been told by Government officials that Montana has never had to turn down a match. One official said Montana would not have to turn down match even if all of the incentive were expended. I wish I had asked for that in black and white. Legislators are aware of the tax structure when they pass laws. They know that so many dollars will go for construction, and so many dollars will go to the ethanol fund, etc. A question needs to be asked about the huge surplus currently in the Highway Fund. (I may not have the correct name for this fund)

The major concern by members is that economics are not included anywhere in the policy, although no energy is possible without feasible economics. Papers and

discussion at some of the first meetings dealt with economics, but economics were not allowed in the final statement. When economics were discussed in the first meetings, some issues were misrepresented, such as the amount of money that goes to the ethanol incentive. Although reserved, it is not spent. Although certain monies were allocated, they were not spent. When inaccurate information is presented at a meeting, it is not a good basis to build a statement on.

In policy C, *the logical link between revenue sources and incentives*. This is vague. Does it mean that ethanol as a fuel made from an agricultural commodity, should get incentives from agriculture, or as an environmentally friendly fuel should get incentives from environmental groups? I don't know how the statement relates to other alternatives. A concern expressed from industry is that the statement and policy seem directed only at ethanol.

The February 4 letter of invitation stated the collaborative would focus on three areas of study, with one of them being the role of the state in promoting alternative fuels. The "gasohol" blend of 10% ethanol and 90% gasoline, is not considered by Federal Government as an alternative fuel. It was difficult for the group to grasp that there are many fuels involved with ethanol. "Ethanol" could mean straight ethanol, or 85% ethanol and 15% gasoline, or the more common blend of 10% ethanol and 90% gasoline. The 10% blend is considered an additive or enhancer, but not an alternative fuel under Federal legislation.

It has been mentioned by some EPAC members that the original statement was better than the "new" statement. I feel a lot of expense and time was spent on a rather fruitless venture.

These are comments I have received so far, Jerry. Hope this is helpful to you, and thanks for your consideration.

Shirley



Amendments to Senate Bill 251

NEW SECTION. Section 3. Alternative fuels policy -- Implementing guideline. (1)

The State of Montana encourages the use of alternative fuels and fuel blends to the extent that doing so produces economic, social and environmental benefits to the citizens of Montana.

(2) To implement the policy stated in subsection (1), the legislature recommends the following guidelines:

(a) All policies and programs should have in-state benefits.

(b) Policies and programs should be coordinated among the affected agencies.

(c) The state recognizes incentives as a ~~temporary~~ tool to implement the alternative fuel policy. ~~Recipients of these incentives should develop a plan, including an educational component, to phase out the incentive. In determining incentives, the state should:~~

~~—— (i) consider incentives for the production, retail, and consumer level;~~

~~—— (ii) establish a logical link between revenue sources and incentives; and~~

~~—— (iii) encourage the use of self-sufficient markets.~~

(d) Any state alternative fuel program should have measurable benefits that are communicated to the public.

(e) State and local governments should be encouraged to set an example with their vehicle fleets in the use of alternative fuels and fuel blends.

(f) Consistent with the guidelines in subsection (2) (a) through (2) (e), the state encourages production of alternative fuels and fuel blends.

DATE 2/7

SENATE COMMITTEE ON Highway

BILLS BEING HEARD TODAY: SB 251 SJR 9

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Pat Saundon	MDT	SB 251 SJR 9	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JERRY NOBLE	EQC	SB 257	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Scholtz	Great Plains Energy	SB 251	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TOM HARDIN	Teton Co.	SJR 9	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Don F. Dahlman	Teton Co. Comm.	"	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John E. Youngberg	MT Farm Bureau	SB 251	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MARK Simonich	DNRC	SB 251	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MARV DEYE	SJR MDT	SJR 9	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Hardaway	MT Motor Services	SB 251 SJR 9	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim PAADICHUK	M. D. U.	SB 251	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carl Schweitzer	Mont Cont Assn	SJR 9	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NANCY LEE	MONTANA POWER	SB 251	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Don Allen	Self/Don Allen + Assoc	SJR 9 SB 251	<input type="checkbox"/>	<input type="checkbox"/>
Gee May	AAA Montana	SJR 9	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2/7/95

SENATE COMMITTEE ON Senate Highway

BILLS BEING HEARD TODAY: STR 9 SB 251

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Bill Allen	MT Audubon	SB 251	X	
Bob Gilbert	Self	SB 251	X	
Bob Stephens	MT Home Growers		✓	
Paul Reichert	AERO - Helena	SB 251	✓	
Gail MacCrombie	MT Petroleum Assn	SB 251	✓	
Marianne Cleary - Schwinder	WIFE	SB 251	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY