

HOUSE BILL 608

Introduced by Whalen

2/05	Introduced
2/05	Referred to Judiciary
2/05	First Reading
2/05	Fiscal Note Requested
2/11	Fiscal Note Received
2/12	Hearing
2/12	Fiscal Note Printed
2/16	Committee Report--Bill Passed as Amended
2/21	Placed on Consent Calendar
2/23	3rd Reading Passed
	Transmitted to Senate
2/25	First Reading
2/25	Referred to Judiciary
3/20	Hearing
3/23	Tabled in Committee

1 House BILL NO. 608
 2 INTRODUCED BY Whalen

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING QUASI-JUDICIAL
 5 POWERS TO THE PUBLIC SERVICE COMMISSION; INCREASING THE FINE
 6 FOR RAILROADS OR OTHER COMMON CARRIERS VIOLATING ORDERS OF
 7 THE PUBLIC SERVICE COMMISSION OR THE PROVISIONS OF TITLE 69,
 8 CHAPTER 14, MCA, TO \$500 A DAY FOR EACH DAY THE VIOLATION
 9 CONTINUES; AND AMENDING SECTIONS 69-1-102 AND 69-14-137.
 10 MCA."
 11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 69-1-102, MCA, is amended to read:

14 "69-1-102. Creation of public service commission. (1) A
 15 public service commission is hereby created, whose duty it
 16 is to supervise and regulate the operations of public
 17 utilities, common carriers, railroads, and other regulated
 18 industries listed in this title. Such supervision and
 19 regulation shall be in conformity with this title.

20 (2) The commission has the same powers as
 21 quasi-judicial boards created under Title 2, chapter 15,
 22 part 1, and may perform any quasi-judicial function as
 23 defined in 2-15-102."

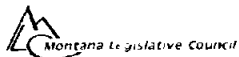
24 **Section 2.** Section 69-14-137, MCA, is amended to read:

25 "69-14-137. Violations. If any railroad or other common

1 carrier willfully violates any provision of this chapter,
 2 does any other act herein prohibited, or refuses to perform
 3 any lawful orders emanating from the commission relating to
 4 rates and charges or any other duty enjoined upon it for
 5 which a penalty has not been provided, then for every such
 6 one of those act acts or violation violations it shall pay
 7 to the state a penalty of not more than \$500 a day for every
 8 day the act or violation occurs."

-End-

INTRODUCED BILL
 HB 608



STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0608, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


An act granting quasi-judicial powers to the Public Service Commission; increasing the fine for railroads or other common carriers violating orders of the Public Service Commission or the provisions of Title 69, Chapter 14, MCA, to \$500 a day for each day the violation continues; and amending sections 69-1-102 and 69-14-137, MCA.

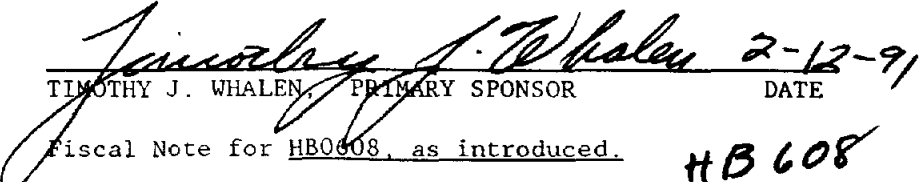
ASSUMPTIONS:

1. The proposed legislation does not impact the revenues or expenditures of any state agency.

FISCAL IMPACT:

None


ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning 2-9-91


TIMOTHY J. WHALEN, PRIMARY SPONSOR DATE
Fiscal Note for HB0608, as introduced. 2-12-91
HB608

1 HOUSE BILL NO. 608
2 INTRODUCED BY WHALEN
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4 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING-QUASI-JUDICIAL
5 POWERS-TO AUTHORIZING THE PUBLIC SERVICE COMMISSION TO ORDER
6 PENALTIES AGAINST RAILROADS AND OTHER COMMON CARRIERS TO BE
7 PAID TO THE STATE, COMMUNITY, OR OTHER PARTY PROTECTED BY A
8 LAW OR ORDER VIOLATED BY THE COMMON CARRIER; INCREASING THE
9 FINE FOR RAILROADS OR OTHER COMMON CARRIERS VIOLATING ORDERS
10 OF THE PUBLIC SERVICE COMMISSION OR THE PROVISIONS OF TITLE
11 69, CHAPTER 14, MCA, TO \$500 A DAY FOR EACH DAY THE
12 VIOLATION CONTINUES; AND AMENDING SECTIONS--69-1-102-AND
13 SECTION 69-14-137, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
14 DATE."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 Section-1:-Section-69-1-102,-MCA,-is-amended-to-read:
18 "69-1-102,-Creation-of-public-service-commission,-(1)-A
19 public-service-commission-is-hereby-created,-whose-duty-it
20 is-to-supervise-and-regulate-the-operations-of-public
21 utilities,-common-carriers,-railroads,-and-other-regulated
22 industries-listed-in-this-title.-Such-supervision-and
23 regulation-shall-be-in-conformity-with-this-title.
24 (2)-The-commission-has-the-same-powers-as
25 quasi-judicial-boards-created-under-title-2,-chapter-15,

1 ~~part-1,-and-may-perform-any-quasi-judicial-function-as~~
2 ~~defined-in-2-15-102."~~

3 Section 1. Section 69-14-137, MCA, is amended to read:
4 "69-14-137. Violations. If any railroad or other common
5 carrier willfully violates any provision of this chapter,
6 does any other act herein prohibited, or refuses to perform
7 any lawful orders emanating from the commission relating to
8 rates and charges or any other duty enjoined upon it for
9 which a penalty has not been provided, then for every such
10 one of those act acts or violation violations it shall THE
11 COMMISSION SHALL ORDER IT TO pay to the state, COMMUNITY, OR
12 OTHER PARTY PROTECTED BY THE LAW OR COMMISSION ORDER THAT
13 WAS VIOLATED a penalty of not more than \$500 a day for every
14 day the act or violation occurs."

15 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS
16 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-



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6 PENALTIES AGAINST RAILROADS AND OTHER COMMON CARRIERS TO BE
7 PAID TO THE STATE, COMMUNITY, OR OTHER PARTY PROTECTED BY A
8 LAW OR ORDER VIOLATED BY THE COMMON CARRIER; INCREASING THE
9 FINE FOR RAILROADS OR OTHER COMMON CARRIERS VIOLATING ORDERS
10 OF THE PUBLIC SERVICE COMMISSION OR THE PROVISIONS OF TITLE
11 69, CHAPTER 14, MCA, TO \$500 A DAY FOR EACH DAY THE
12 VIOLATION CONTINUES; AND AMENDING SECTIONS--69-1-102-AND
13 SECTION 69-14-137, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
14 DATE."

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 ~~Section 1. Section 69-1-102, MCA, is amended to read:~~
18 ~~"69-1-102. Creation of public service commission. (1) A~~
19 ~~public service commission is hereby created, whose duty it~~
20 ~~is to supervise and regulate the operations of public~~
21 ~~utilities, common carriers, railroads, and other regulated~~
22 ~~industries listed in this title. Such supervision and~~
23 ~~regulation shall be in conformity with this title.~~
24 ~~(2) The commission has the same powers as~~
25 ~~quasi-judicial boards created under Title 27, chapter 15,~~

1 ~~part 17 and may perform any quasi-judicial function as~~
2 ~~defined in 2-15-102."~~

3 **Section 1.** Section 69-14-137, MCA, is amended to read:
4 "69-14-137. Violations. If any railroad or other common
5 carrier willfully violates any provision of this chapter,
6 does any other act herein prohibited, or refuses to perform
7 any lawful orders emanating from the commission relating to
8 rates and charges or any other duty enjoined upon it for
9 which a penalty has not been provided, then for every such
10 one of those act acts or violation violations it shall THE
11 COMMISSION SHALL ORDER IT TO pay to the state, COMMUNITY, OR
12 OTHER PARTY PROTECTED BY THE LAW OR COMMISSION ORDER THAT
13 WAS VIOLATED a penalty of not more than \$500 a day for every
14 day the act or violation occurs."

15 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS
16 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

THIRD READING

