

HOUSE BILL 628

Introduced by Whalen, et al.

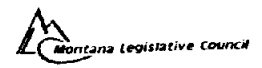
2/05	Introduced
2/05	Referred to Labor & Employment Relations
2/06	First Reading
2/14	Hearing
2/15	Committee Report--Bill Passed
2/23	2nd Reading Do Not Pass
2/23	2nd Reading Indefinitely Postponed

1 *Raney* *House* BILL NO. *628* *Bob Pippin*  
 2 INTRODUCED BY *Whalen Bob Brown* *Jackie* *Hayes*  
 3 *Anderson* *Carlson* *Jepel* *Speck* *Harper* *Down*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE "PUBLIC  
 5 *Orsoll* *Menahan* *NATH* *Salon* *Robin* *Freit* *July*  
 6 CONVENIENCE AND NECESSITY" WITH RESPECT TO THE DUTY OF A  
 7 *Weldon* *Yellow* *Jack* *Thomas* *Seck*  
 8 RAILROAD TO FURNISH SHIPPING AND PASSENGER FACILITIES; AND  
 9 *Wathen* *Stufe* *Ream* *Harvey* *Dave* *Don*  
 10 AMENDING SECTION 69-14-202, MCA." *Ward* *McCarthy* *Bill* *Bank* *Hager*  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *Ward*  
 12 *Ward* *McCarthy* *Bill* *Bank* *Hager*  
 13 Section 1. Section 69-14-202, MCA, is amended to read: *Conrad*  
 14 "69-14-202. Duty to furnish shipping and passenger *Ward*  
 15 *Ward* *McCarthy* *Bill* *Bank* *Hager*

1 shall, prior to making its decision, weigh and balance the  
 2 facts and testimony presented at the hearing, including the  
 3 facts and testimony presented by the general public, the  
 4 existing burdens on the railroad, the burdens placed upon  
 5 the shipping and general public if the application is  
 6 granted, and any other factors the commission considers  
 7 significant to provide adequate rail service. For purposes  
 8 of this subsection, "public convenience and necessity" means  
 9 the maintenance and staffing of facilities with equipment  
 10 and instrumentalities necessary to promote the safety,  
 11 health, comfort, and convenience of the railroad's patrons,  
 12 its employees, and the public, which must in all respects be  
 13 adequate, efficient, just, and reasonable."

-End-

12 facilities. (1) Every person, corporation, or association  
 13 operating a railroad in the state on January 1, 1987, or a  
 14 successor thereto, shall maintain and staff facilities for  
 15 shipment and delivery of freight and shall ship and deliver  
 16 freight and accommodate passengers in such facilities as  
 17 were maintained and staffed on January 1, 1987.  
 18 (2) However, if a person, corporation, or association  
 19 operating a railroad demonstrates to the public service  
 20 commission, following an opportunity for a public hearing in  
 21 the community where the facility is situated, that a  
 22 facility is not required for public convenience and  
 23 necessity, the commission shall authorize the closure,  
 24 consolidation, or centralization of the facility. In  
 25 determining public convenience and necessity, the commission



-2- INTRODUCED BILL  
 HB 628

APPROVED BY COMMITTEE  
ON LABOR & EMPLOYMENT  
RELATIONS

1 *Raney* *House* BILL NO. *628* *Bob Spireigh*  
 2 INTRODUCED BY *Whalen Bob Brown* *Jack Hagen* *Ray*  
 3 *amended* *Carlson* *Jepul* *Spencer* *Becker* *Tom*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE "PUBLIC  
 5 CONVENIENCE AND NECESSITY" WITH RESPECT TO THE DUTY OF A  
 6 RAILROAD TO FURNISH SHIPPING AND PASSENGER FACILITIES; AND  
 7 AMENDING SECTION 69-14-202, MCA." *Wooden* *Yellow* *Richard* *Thomas* *Jack*  
 8 *Ray* *Wesley* *Fisher* *John* *Boon*  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *Boon*  
 10 *Section 1.* Section 69-14-202, MCA, is amended to read: *Connelly*  
 11 *Quax* "69-14-202. Duty to furnish shipping and passenger  
 12 facilities. (1) Every person, corporation, or association  
 13 operating a railroad in the state on January 1, 1987, or a  
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-End-



SECOND READING  
HB 628