

HOUSE BILL NO. 730

INTRODUCED BY D. BROWN, B. BROWN, LYNCH, MENAHAN, PAVLOVICH,
CONNELLY, PIPINICH, STIMATZ, L. NELSON, RANEY, MEASURE,
HARPER, RUSSELL, DAILY, HAMMOND, J. JOHNSON, SOUTHWORTH,
O'KEEFE, HARRINGTON, SCHYE, WHALEN, G. BECK, ANDERSON,
NATHE, HARP, MANNING, SQUIRES, WEEDING, YELLOWTAIL,
JACOBSON, SWYSGOOD, MCCARTHY, BERGSAGEL, BACHINI,
BARDANOUE, CODY, COHEN, DEVLIN, LARSON, STRIZICH, GALVIN,
T. BECK, HOCKETT, DRISCOLL, DARKO, ZOOK, HOFFMAN, WYATT,
PECK, STICKNEY, KILPATRICK, TOOLE, STEPPLER, WANZENRIED,
COCCHIARELLA, QUILICI, FORRESTER, HALLIGAN, SCOTT, NISBET,
GERVAIS, HANSEN, PETERSON, MCCAFFREE, BECKER, MADISON,
TVEIT, KADAS

IN THE HOUSE

FEBRUARY 9, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

FEBRUARY 11, 1991 FIRST READING.

FEBRUARY 15, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 16, 1991 PRINTING REPORT.

FEBRUARY 23, 1991 SECOND READING, DO PASS.

FEBRUARY 25, 1991 ENGROSSING REPORT.

FEBRUARY 26, 1991 THIRD READING, PASSED.
AYES, 66; NOES, 34.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

APRIL 2, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 4, 1991 SECOND READING, CONCURRED IN.

APRIL 5, 1991 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 1.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 9, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

APRIL 11, 1991

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 16, 1991

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

APRIL 20, 1991

ON MOTION, FREE CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 22, 1991

FREE CONFERENCE COMMITTEE REPORTED.

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

APRIL 23, 1991

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 24, 1991

FREE CONFERENCE COMMITTEE REPORT
ADOPTED.

IN THE HOUSE

APRIL 30, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House Bill No. 730
Bob Poinick
 INTRODUCED BY *One Brain* *Bob Poinick*

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A RAILROAD TO MAINTAIN AND STAFF FACILITIES IN EACH COUNTY AND IN EACH CITY OR TOWN WITH A POPULATION OF 2,000 OR MORE; AMENDING SECTION 69-14-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1: Section 69-14-202, MCA, is amended to read:
 "69-14-202. Duty to furnish shipping and passenger facilities. (1) Every Each person, corporation, or association operating a railroad in the state on January-17-1987 [the effective date of this act], or a its successor thereto, shall maintain and staff facilities for shipment and delivery of freight and shall ship and deliver freight and accommodate passengers in such--facilities--as--were maintained--and--staffed--on January-17-1987 each city or town with a population of 2,000 or more, as determined by the last completed federal census, and in at least one location, preferably the county seat, in each county through which the line of the railroad passes. This section does not require the maintenance and staffing of facilities in a city or town or county in which the facilities were not maintained and

1 staffed on January 1, 1991, except in a city or town in
 2 which the census subsequent to 1980 determined that the
 3 population has increased to exceed 2,000.

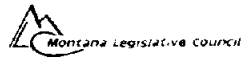
4 (2) However Except as provided in subsection (1), if a
 5 person, corporation, or association operating a railroad
 6 demonstrates to the public service commission, following an
 7 opportunity for a public hearing in the community where the
 8 facility is situated, that a facility is not required for
 9 public convenience and necessity, the commission shall
 10 authorize the closure, consolidation, or centralization of
 11 the facility. In determining public convenience and
 12 necessity, the commission shall, prior to making its
 13 decision, weigh and balance the facts and testimony
 14 presented at the hearing, including the facts and testimony
 15 presented by the general public, the existing burdens on the
 16 railroad, the burdens placed upon the shipping and general
 17 public if the application is granted, and any other factors
 18 the commission considers significant to provide adequate
 19 rail service."

20 NEW SECTION. Section 2. Saving clause. [This act] does
 21 not affect rights and duties that matured, penalties that
 22 were incurred, or proceedings that were begun before [the
 23 effective date of this act].

24 NEW SECTION. Section 3. Effective date. [This act] is
 25 effective on passage and approval.

-End-
 -2-

INTRODUCED BILL
 HB 730



APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

HOUSE BILL NO. 730

INTRODUCED BY D. BROWN, B. BROWN, LYNCH, MENAHAN, PAVLOVICH,
CONNELLY, PIPINICH, STIMATZ, L. NELSON, RANEY, MEASURE,
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COCCHIARELLA, QUILICI, FORRESTER, HALLIGAN, SCOTT, NISBET,
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TVEIT, KADAS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A RAILROAD TO
MAINTAIN AND STAFF FACILITIES IN EACH COUNTY AND IN EACH
CITY OR TOWN WITH A POPULATION OF 2,000 OR MORE; AMENDING
SECTION 69-14-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE."

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

Section 1. Section 69-14-202, MCA, is amended to read:

"69-14-202. Duty to furnish shipping and passenger
facilities. (1) Every Each person, corporation, or
association operating a railroad in the state on January 17

1987 [the effective date of this act], or a its successor
thereto, shall maintain and staff facilities for shipment
and delivery of freight and shall ship and deliver freight
and accommodate passengers in such--faciilities--as--were
maintained--and-staffed-on January 17-1987 each city or town
with a population of 2,000 or more, as determined by the
last completed federal census, and in at least one location,
preferably the county seat, in each county through which the
line of the railroad passes. This section does not require
the maintenance and staffing of facilities in a city or town
or county in which the facilities were not maintained and
staffed on January 1, 1991--except-in-a-city-or-town-in
which-the-census-subsequent--to--1988--determined--that--the
population--has--increased--to-exceed-2,000. THIS SUBSECTION
DOES NOT APPLY TO A SHORT-LINE RAILROAD OPERATING IN THREE
COUNTIES OR LESS.

(2) However Except as provided in subsection (1), if a
person, corporation, or association operating a railroad
demonstrates to the public service commission, following an
opportunity for a public hearing in the community where the
facility is situated, that a facility is not required for
public convenience and necessity, the commission shall
authorize the closure, consolidation, or centralization of
the facility. In determining public convenience and
necessity, the commission shall, prior to making its

SECOND READING

1 decision, weigh and balance the facts and testimony
2 presented at the hearing, including the facts and testimony
3 presented by the general public, the existing burdens on the
4 railroad, the burdens placed upon the shipping and general
5 public if the application is granted, and any other factors
6 the commission considers significant to provide adequate
7 rail service."

8 NEW SECTION. Section 2. Saving clause. [This act] does
9 not affect rights and duties that matured, penalties that
10 were incurred, or proceedings that were begun before [the
11 effective date of this act].

12 NEW SECTION. Section 3. Effective date. [This act] is
13 effective on passage and approval.

-End-

1 HOUSE BILL NO. 730

2 INTRODUCED BY D. BROWN, B. BROWN, LYNCH, MENAHAN, PAVLOVICH,
 3 CONNELLY, PIPINICH, STIMATZ, L. NELSON, RANEY, MEASURE,
 4 HARPER, RUSSELL, DAILY, HAMMOND, J. JOHNSON, SOUTHWORTH,
 5 O'KEEFE, HARRINGTON, SCHYE, WHALEN, G. BECK, ANDERSON,
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 12 GERVAIS, HANSEN, PETERSON, MCCAFFREE, BECKER, MADISON,
 13 TVEIT, KADAS

14
 15 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A RAILROAD TO
 16 MAINTAIN AND STAFF FACILITIES IN EACH COUNTY AND IN EACH
 17 CITY OR TOWN WITH A POPULATION OF 2,000 OR MORE; AMENDING
 18 SECTION 69-14-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 19 DATE."

20
 21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22 **Section 1.** Section 69-14-202, MCA, is amended to read:

23 "69-14-202. Duty to furnish shipping and passenger
 24 facilities. (1) Every Each person, corporation, or
 25 association operating a railroad in the state on January-17

1 1987 [the effective date of this act], or a its successor
 2 thereto, shall maintain and staff facilities for shipment
 3 and delivery of freight and shall ship and deliver freight
 4 and accommodate passengers in such--facilities--as--were
 5 maintained--and-staffed-on January-17-1987 each city or town
 6 with a population of 2,000 or more, as determined by the
 7 last completed federal census, and in at least one location,
 8 preferably the county seat, in each county through which the
 9 line of the railroad passes. This section does not require
 10 the maintenance and staffing of facilities in a city or town
 11 or county in which the facilities were not maintained and
 12 staffed on January 1, 1991--except-in-a-city-or-town-in
 13 which-the-census-subsequent--to--1988--determined--that--the
 14 population--has--increased--to-exceed-2,000. THIS SUBSECTION
 15 DOES NOT APPLY TO A SHORT-LINE RAILROAD OPERATING IN THREE
 16 COUNTIES OR LESS.

17 (2) However Except as provided in subsection (1), if a
 18 person, corporation, or association operating a railroad
 19 demonstrates to the public service commission, following an
 20 opportunity for a public hearing in the community where the
 21 facility is situated, that a facility is not required for
 22 public convenience and necessity, the commission shall
 23 authorize the closure, consolidation, or centralization of
 24 the facility. In determining public convenience and
 25 necessity, the commission shall, prior to making its

THIRD READING

1 decision, weigh and balance the facts and testimony
2 presented at the hearing, including the facts and testimony
3 presented by the general public, the existing burdens on the
4 railroad, the burdens placed upon the shipping and general
5 public if the application is granted, and any other factors
6 the commission considers significant to provide adequate
7 rail service."

8 NEW SECTION. **Section 2. Saving clause.** [This act] does
9 not affect rights and duties that matured, penalties that
10 were incurred, or proceedings that were begun before [the
11 effective date of this act].

12 NEW SECTION. **Section 3. Effective date.** [This act] is
13 effective on passage and approval.

-End-

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Bill No. 730 (third reading copy -- blue), respectfully report that House Bill No. 730 be amended and as so amended be concurred in:

1. Title, lines 15 through 17.

Following: "AN ACT" on line 15

Strike: remainder of line 15 through "MORE" on line 17

Insert: "REVISING THE AUTHORITY OF THE PUBLIC SERVICE COMMISSION TO ALLOW CLOSURE, CONSOLIDATION, OR CENTRALIZATION OF RAILROAD SHIPPING AND PASSENGER FACILITIES IF THE FACILITIES ARE NOT REQUIRED BY PUBLIC CONVENIENCE AND NECESSITY; REQUIRING THE COMMISSION, IN DETERMINING PUBLIC CONVENIENCE AND NECESSITY, TO CONSIDER ANY OTHER FACTORS AND INFORMATION IT CONSIDERS SIGNIFICANT AND NECESSARY TO PROVIDE SAFE, ADEQUATE, JUST, AND REASONABLE RAIL SERVICE"

2. Page 2, line 1.

Following: "~~1987~~"Strike: "[the effective date of this act]"

Insert: "January 1, 1987"

3. Page 2, lines 5 through 16.

Following: "~~1987~~" on line 5Strike: remainder of line 5 through "LESS" on line 16

Insert: "such facilities as were maintained and staffed on January 1, 1987"

4. Page 2, line 17.

Following: "However"

Strike: "Except as provided in subsection (1), if"

Insert: "If"

5. Page 3, line 5.

Following: "factors"

Insert: "and information, including station equipment, business forms, and documents, that"

6. Page 3, line 6.

Following: "significant"

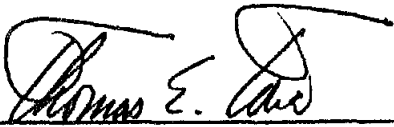
Insert: "and necessary"

Following: "provide"

Insert: "safe,"

Following: "adequate"

Insert: ", just, and reasonable"

Signed: 

Thomas E. Towe, Vice Chairman

4-2-91
Amd. Coord.SB 2/4
Sec. of SenateSENATE
HB 730

1 HOUSE BILL NO. 730

2 INTRODUCED BY D. BROWN, B. BROWN, LYNCH, MENAHAN, PAVLOVICH,
 3 CONNELLY, PIPINICH, STIMATZ, L. NELSON, RANEY, MEASURE,
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14
 15 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING-A-RAILROAD-TO
 16 MAINTAIN-AND-STAFF-FACILITIES-IN-EACH-COUNTY-AND-IN-EACH
 17 CITY-OR-TOWN-WITH-A-POPULATION-OF-2,000-OR-MORE REVISING THE
 18 AUTHORITY OF THE PUBLIC SERVICE COMMISSION TO ALLOW CLOSURE,
 19 CONSOLIDATION, OR CENTRALIZATION OF RAILROAD SHIPPING AND
 20 PASSENGER FACILITIES IF THE FACILITIES ARE NOT REQUIRED BY
 21 PUBLIC CONVENIENCE AND NECESSITY; REQUIRING THE COMMISSION,
 22 IN DETERMINING PUBLIC CONVENIENCE AND NECESSITY, TO CONSIDER
 23 ANY OTHER FACTORS AND INFORMATION IT CONSIDERS SIGNIFICANT
 24 AND NECESSARY TO PROVIDE SAFE, ADEQUATE, JUST, AND
 25 REASONABLE RAIL SERVICE; AMENDING SECTION 69-14-202, MCA;

1 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

2
 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

4 **Section 1.** Section 69-14-202, MCA, is amended to read:

5 "69-14-202. Duty to furnish shipping and passenger
 6 facilities. (1) Every Each person, corporation, or
 7 association operating a railroad in the state on ~~January--17~~
 8 ~~1987~~ ~~{the-effective-date-of-this-act}~~ JANUARY 1, 1987, or a
 9 its successor thereto, shall maintain and staff facilities
 10 for shipment and delivery of freight and shall ship and
 11 deliver freight and accommodate passengers in such
 12 ~~facilities-as-were-maintained-and-staffed-on-January-17-1987~~
 13 ~~each-city-or-town-with-a-population-of-2,000-or-more-as~~
 14 ~~determined-by-the-last-completed-federal-census-and-in-at~~
 15 ~~least-one-location,--preferably--the--county-seat,--in--each~~
 16 ~~county-through-which-the-line-of-the-railroad-passes.--This~~
 17 ~~section--does--not--require--the-maintenance-and-staffing-of~~
 18 ~~facilities-in-a-city-or-town-or-county-in-which-the~~
 19 ~~facilities--were--not--maintained--and-staffed-on-January-17~~
 20 ~~1987--except--in--a--city--or--town--in--which--the--census~~
 21 ~~subsequent--to--1980--determined--that--the--population--has~~
 22 ~~increased-to-exceed-2,000. THIS-SUBSECTION-DOES-NOT-APPLY-TO~~
 23 ~~A-SHORT-LINE-RAILROAD-OPERATING-IN-THREE-COUNTIES-OR-LESS~~
 24 ~~SUCH FACILITIES AS WERE MAINTAINED AND STAFFED ON JANUARY 1,~~
 25 1987.

1 (2) ~~However Except-as-provided-in-subsection-(1)~~, if IF
2 a person, corporation, or association operating a railroad
3 demonstrates to the public service commission, following an
4 opportunity for a public hearing in the community where the
5 facility is situated, that a facility is not required for
6 public convenience and necessity, the commission shall
7 authorize the closure, consolidation, or centralization of
8 the facility. In determining public convenience and
9 necessity, the commission shall, prior to making its
10 decision, weigh and balance the facts and testimony
11 presented at the hearing, including the facts and testimony
12 presented by the general public, the existing burdens on the
13 railroad, the burdens placed upon the shipping and general
14 public if the application is granted, and any other factors
15 AND INFORMATION, INCLUDING STATION EQUIPMENT, BUSINESS
16 FORMS, AND DOCUMENTS, THAT the commission considers
17 significant AND NECESSARY to provide SAFE, adequate, JUST,
18 AND REASONABLE rail service."

19 NEW SECTION. Section 2. Saving clause. [This act] does
20 not affect rights and duties that matured, penalties that
21 were incurred, or proceedings that were begun before [the
22 effective date of this act].

23 NEW SECTION. Section 3. Effective date. [This act] is
24 effective on passage and approval.

-End-

1:40 p
4/22/91
vml

Free Conference Committee
on House Bill 730
Report No. 1, April 22, 1991

April 22, 1991
Page 2 of 2

Page 1 of 2

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 730 and recommend that House Bill 730 (reference copy -- salmon) be amended as follows:

1. Title, lines 17 through 21.

Following: "MORE"
Strike: remainder of line 17 through "NECESSITY" on line 21
Insert: "REQUIRING A RAILROAD TO MAINTAIN AND STAFF FACILITIES IN EACH COUNTY AND IN EACH CITY OR TOWN WITH A POPULATION OF 2,000 OR MORE"

2. Title, line 23.

Following: "FACTORS"
Strike: remainder of line 23.
Insert: "THAT ARE CONVENIENT"

3. Title, lines 24 and 25.

Following: "TO" on line 24
Strike: "PROVIDE"
Insert: "PROMOTE"
Following: "ADEQUATE,"
Insert: "AND"
Following: "JUST" on line 24
Strike: "I"
Following: "SERVICE" on line 25
Insert: "FOR THE RAILROAD'S PATRONS, ITS EMPLOYEES, AND THE PUBLIC"

4. Page 2, line 8.

Strike: "JANUARY 1, 1987"
Insert: "[the effective date of this act]"

5. Page 2, lines 24 and 25.

Strike: lines 24 and 25 in their entirety
Insert: "each city or town with a population of 2,000 or more, as determined by the last completed federal census, and in at least one location, preferably the county seat, in each county through which the line of the railroad passes. This section does not require the maintenance and staffing of facilities in a city or town or county in which the facilities were not maintained and staffed on January 1, 1991. This subsection does not apply to a short-line railroad operating in three counties or less."

ADOPT

REJECT

6. Page 3, line 1.

Following: "if"
Strike: "IF"
Insert: "Except as provided in subsection (1), if"

7. Page 3, line 14.

Following: "public"
Strike: "if the application is granted"

8. Page 3, line 15.

Strike: "AND INFORMATION"

9. Page 3, lines 16 and 17.

Following: "THAT" on line 16
Strike: "the commission considers significant"
Insert: "are convenient"
Following: "to" on line 17
Strike: "provide"
Insert: "promote"
Following: "adequate,"
Insert: "and"
Following: "JUST"
Strike: "I"

10. Page 3, line 18.

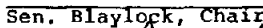
Following: "service"
Insert: "for the railroad's patrons, its employees, and the public"

And this Free Conference Committee report be adopted.

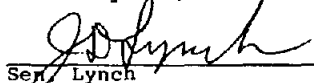
For the House:

For the Senate:


Rep. D. Brown, Chair


Sen. Blaylock, Chair


Rep. Gervais


Sen. Lynch


Rep. Swysgood


Sen. Brown



AN ACT REQUIRING A RAILROAD TO MAINTAIN AND STAFF FACILITIES IN EACH COUNTY AND IN EACH CITY OR TOWN WITH A POPULATION OF 2,000 OR MORE; REQUIRING THE COMMISSION, IN DETERMINING PUBLIC CONVENIENCE AND NECESSITY, TO CONSIDER ANY OTHER FACTORS THAT ARE CONVENIENT AND NECESSARY TO PROMOTE SAFE, ADEQUATE, AND JUST AND REASONABLE RAIL SERVICE FOR THE RAILROAD'S PATRONS, ITS EMPLOYEES, AND THE PUBLIC; AMENDING SECTION 69-14-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 69-14-202, MCA, is amended to read:

"69-14-202. Duty to furnish shipping and passenger facilities. (1) Every Each person, corporation, or association operating a railroad in the state on January 1, 1987 [the effective date of this act], or a its successor thereto, shall maintain and staff facilities for shipment and delivery of freight and shall ship and deliver freight and accommodate passengers in such facilities as were maintained and staffed on January 1, 1987; each city or town with a population of 2,000 or more, as determined by the last completed federal census, and in at least one location, preferably the county seat, in each county through which the line of the railroad passes. This section does not require the maintenance and staffing of facilities in a city or town or county in which the facilities were not maintained and staffed on January 1, 1991. This subsection does not apply to a

short-line railroad operating in three counties or less.

(2) ~~However, if~~ Except as provided in subsection (1), if a person, corporation, or association operating a railroad demonstrates to the public service commission, following an opportunity for a public hearing in the community where the facility is situated, that a facility is not required for public convenience and necessity, the commission shall authorize the closure, consolidation, or centralization of the facility. In determining public convenience and necessity, the commission shall, prior to making its decision, weigh and balance the facts and testimony presented at the hearing, including the facts and testimony presented by the general public, the existing burdens on the railroad, the burdens placed upon the shipping and general public ~~if the application is granted~~, and any other factors, including station equipment, business forms, and documents, that the commission considers significant are convenient and necessary to provide promote safe, adequate, and just and reasonable rail service for the railroad's patrons, its employees, and the public."

Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 3. Effective date. [This act] is effective on passage and approval.