

Railroad Commission. Rates, Time to Become Effective.

The law relative to the time in which rates and tariffs shall go into effect, as declared by Chap. 37, Laws 1907, is not in conflict with the Federal Statute, to-wit, the Interstate Commerce Act, as amended June 29, 1906, as the apparent conflict may be reconciled on the theory that one refers to tariffs and rates fixed by common carriers, and the other refers to such rates and tariffs when fixed by the Board of Railroad Commissioners.

Helena, Montana, June 3, 1907.

State Board of Railroad Commissioners,

Helena, Montana.

Gentlemen:—

I have your request for an opinion, reading as follows:

“Will you please inform the Board of Railroad Commissioners whether that portion of Section 14, of the Railroad Commission Law of Montana, which provides that rates, etc. fixed by the Board shall become effective twenty days, etc. is effected by that portion of the Federal Law as shown in Section 12, Interstate Commerce Commission Tariff Circular No. 10A, a copy of which accompanies this request.”

You will note that Section 14 to which you refer provides that the classification and rates fixed by the board shall become effective twenty days after the railroad affected thereby shall have received certified notice thereof from the Board.

Tariff Circular No. 10A., in making reference to a thirty day provision, complies with the law as laid down in Section 6. of the Interstate Commerce Act, as amended June 29th, 1906. You will note that the Interstate Commerce Act, providing for a thirty day provision, refers to changes made in rates, fares, and other charges fixed, made or changed by a common carrier, while our state law above mentioned refers only to the time when tariffs, schedules and rates shall go into effect when fixed or changed by the Railroad Commission of the State of Montana.

For this and other reasons I advise that there is no conflict in the

State and National provisions of the law relative to the time when the rates or tariffs are to go into effect.

Respectfully submitted,

ALBERT J. GALEN,

Attorney General.