

1 *Senate* BILL NO. *362*
 2 INTRODUCED BY *Danne*
 3 *by Request*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 72-118, R.C.M. 1947, TO LENGTHEN THE PERIOD OF TIME
 6 NECESSARY FOR RAIL CARRIER TARIFF REVISIONS TO BECOME
 7 AUTOMATICALLY EFFECTIVE AND TO REQUIRE PERSONS PROTESTING
 8 RATE CHANGES TO PREFILE PREPARED TESTIMONY AND EXHIBITS."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 72-118, R.C.M. 1947, is amended to
 12 read as follows:

13 "72-118. Power to alter classification or rate --
 14 approval of changes or revisions by the board -- hearing
 15 complaint. ~~(1)~~ The said board shall have the power from time
 16 to time to change, alter, amend, or abolish any
 17 classification or rate established by it when deemed
 18 necessary, as hereinafter provided. The said board shall
 19 make and establish reasonable rates for the transportation
 20 of freight within the state of Montana, and shall prescribe
 21 rates, tolls and charges for all other service performed by
 22 any railroad subject hereto. ~~No change~~ Changes or revision
 23 revisions of any rate, charge, classification, or rule of
 24 service contained in any tariff, classification, or rule of
 25 a railroad shall be made by any ~~railroad~~ without first

1 ~~obtaining approval therefor from the board. Such changes or~~
 2 ~~revisions shall be made by~~ either of the methods hereinafter
 3 set forth:

4 ~~(1)(a)~~ by filing an application with the board
 5 describing the nature and extent of the change, alteration
 6 or cancellation of the rate, classification, rule or
 7 regulation sought, ~~and the~~ the board shall thereafter give
 8 not less than ~~ten (10)~~ 20 days' notice, in the manner
 9 determined by the board as most likely to give notice to the
 10 persons to be affected, of the time and place of public
 11 hearing to be held on the application by the board, ~~at which~~
 12 ~~time and place the~~ the public generally, or any person,
 13 firm, or corporation shall have an opportunity to present
 14 such facts, information or statistics as shall be pertinent
 15 to the hearing then being held, ~~or~~

16 ~~(2)(b)~~ by filing with the board the tariff sheet or
 17 sheets containing such changes or revisions, plainly stating
 18 the change or changes, or revision or revisions, to be
 19 made, ~~provided further that the~~ the public shall be
 20 provided with such notice of the proposed changes or
 21 revisions as the board shall, by rule, require. The tariff
 22 sheet or sheets containing such changes or revisions shall
 23 be deemed approved and effective ~~thirty (30)~~ 45 days after
 24 the same are filed unless the proposed revisions or changes
 25 are suspended or disallowed by the board prior to the

1 expiration of the ~~thirty-(30)-day~~ 42-day period~~s~~, provided,
 2 ~~however, that the~~ The board may, for good cause, allow any
 3 change or revision to become effective on less than thirty
 4 ~~(30)~~ 42 days after the filing thereof. Upon filing such
 5 changes or revisions, all tariff sheets~~y~~, ~~when--suspended--by~~
 6 ~~the--board~~, must be supported by such prepared testimony and
 7 exhibits from the railroad as will support such changes or
 8 revisions. ~~The--prepared--testimony--and--exhibits--must--be~~
 9 ~~filed--with--the--commission--thirty--(30)--days--after--the~~
 10 ~~effective--date--of--such--suspension~~. Such testimony and
 11 exhibits may be supplemented prior to, or at the time of
 12 hearing, and supplemental exhibits may be filed after the
 13 close of the hearing at the direction or with permission of
 14 the commission.

15 (2) Upon its own initiative, or upon the complaint of
 16 any interested party filed with the board within twenty (20)
 17 days after the date upon which a change or revision of any
 18 rate, fare, charge or classification is filed with the
 19 board, the board may suspend the operation of such rate,
 20 fare, charge, or classification for a period not to exceed
 21 one hundred eighty (180) days~~s~~, provided~~y~~, ~~however, that--the~~
 22 The order directing such suspension must be issued by the
 23 board not less than two (2) business days prior to the
 24 proposed effective date~~s~~, ~~and--provided--further,--that--the~~ The
 25 rail carrier or carriers filing such rate, fare, charge, or

1 classification shall be given prompt notice by the
 2 complaining party by mailing a copy of the complaint
 3 concerning such proposed change or revision to the carrier
 4 or publishing agent~~s~~, ~~and--such~~ Such carrier or carriers also
 5 shall be given an opportunity to reply to any such
 6 complaint. If the proposed change or revision is in a tariff
 7 issued by a tariff publishing bureau for a rail carrier or
 8 carriers, notice to such bureau of any complaint will
 9 constitute notice to the participating carriers in such
 10 tariff. When the suspension of any proposed change or
 11 revision in a tariff is ordered by the board, it shall also
 12 order a public hearing to consider the reasonableness of the
 13 proposed change or revision; due notice shall be given for
 14 such hearing to all known interests or affected persons and
 15 the same shall be allowed to appear and present evidence.

16 (3) Protestants of any rate changes shall file with
 17 the board not later than 30 days after the suspension of
 18 proposed tariff revisions or, in the case of application for
 19 rate change, not later than 10 days before the hearing, the
 20 prepared testimony and exhibits that will be introduced at
 21 the public hearing.

22 (4) After considering the evidence presented at such
 23 hearing, the board shall issue an order approving, denying,
 24 or modifying the proposed change or revision; provided,
 25 however, that unless such hearing is held and such order is

1 issued within one hundred eighty (180) days from the date
2 upon which the suspension was ordered, the proposed change
3 or revision shall be deemed approved and effective as filed.

4 (2) The board may, on its own motion or on the
5 complaint by a shipper or other person interested
6 investigate any rate, classification or rule approved and in
7 effect for transportation of freight by any railroad within
8 the state of Montana. The said board must, within sixty (60)
9 days after the commencement of an investigation on the
10 board's initiative, or after the filing with such board of a
11 complaint by a shipper, or other person interested, proceed
12 to investigate and determine the justness and reasonableness
13 of any classification, rate, charge, toll, regulation or
14 order made by said board."

-End-

Approved by Committee
on Highways & Transportation

SENATE BILL NO. 362

INTRODUCED BY DEVINE, BY REQUEST

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 72-118, R.C.M. 1947, TO LENGTHEN THE PERIOD OF TIME NECESSARY FOR RAIL CARRIER TARIFF REVISIONS TO BECOME AUTOMATICALLY EFFECTIVE AND TO REQUIRE PERSONS PROTESTING RATE CHANGES TO PREPARE TESTIMONY AND EXHIBITS."

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

Section 1. Section 72-118, R.C.M. 1947, is amended to read as follows:

"72-118. Power to alter classification or rate — approval of changes or revisions by the board — hearing complaint. (1) The said board shall have the power from time to time to change, alter, amend, or abolish any classification or rate established by it when deemed necessary, as hereinafter provided. The said board shall make and establish reasonable rates for the transportation of freight within the state of Montana, and shall prescribe rates, tolls and charges for all other service performed by any railroad subject hereto. ~~No change~~ ~~Changes~~ NO CHANGE or ~~revision~~ ~~revisions~~ REVISION of any rate, charge, classification, or rule of service contained in any tariff, classification, or rule of a railroad shall ~~shall~~ MAY be made by

~~any railroad without first obtaining approval therefor from the board. Such changes or revisions shall be made by ANY RAILROAD WITHOUT FIRST OBTAINING APPROVAL THEREFOR FROM THE BOARD. SUCH CHANGES OR REVISIONS SHALL BE MADE BY~~ either of the methods hereinafter set forth:

(1) (a) by filing an application with the board describing the nature and extent of the change, alteration or cancellation of the rate, classification, rule or regulation sought, and ~~the~~ The board shall thereafter give not less than ~~ten (10)~~ 20 days' notice, in the manner determined by the board as most likely to give notice to the persons to be affected, of the time and place of public hearing to be held on the application by the board, ~~at which time and place the~~ The public generally, or any person, firm, or corporation shall have an opportunity to present such facts, information or statistics as shall be pertinent to the hearing then being held, ~~or~~

(2) (b) by filing with the board the tariff sheet or sheets containing such changes or revisions, plainly stating the change or changes, or revision or revisions, to be made, ~~provided further, that the~~ The public shall be provided with such notice of the proposed changes or revisions as the board shall, by rule, require. The tariff sheet or sheets containing such changes or revisions shall be deemed approved and effective ~~thirty (30)~~ 45 days after

1 the same are filed unless the proposed revisions or changes
 2 are suspended or disallowed by the board prior to the
 3 expiration of the ~~thirty (30) day~~ 45-day period, ~~provided,~~
 4 ~~however, that the~~ The board may, for good cause, allow any
 5 change or revision to become effective on less than ~~thirty~~
 6 ~~(30)~~ 45 days after the filing thereof. Upon filing such
 7 changes or revisions, all tariff sheets, ~~when suspended by~~
 8 ~~the board,~~ must be supported by such prepared testimony and
 9 exhibits from the railroad as will support such changes or
 10 revisions. ~~The prepared testimony and exhibits must be~~
 11 ~~filed with the commission thirty (30) days after the~~
 12 ~~effective date of such suspension.~~ Such testimony and
 13 exhibits may be supplemented prior to, or at the time of
 14 hearing, and supplemental exhibits may be filed after the
 15 close of the hearing at the direction or with permission of
 16 the commission.

17 (2) Upon its own initiative, or upon the complaint of
 18 any interested party filed with the board within twenty (20)
 19 days after the date upon which a change or revision of any
 20 rate, fare, change or classification is filed with the
 21 board, the board may suspend the operation of such rate,
 22 fare, charge, or classification for a period not to exceed
 23 one hundred eighty (180) days, ~~provided, however, that the~~
 24 The order directing such suspension must be issued by the
 25 board not less than two (2) business days prior to the

1 proposed effective date, ~~and provided further, that the~~ The
 2 rail carrier or carriers filing such rate, fare, charge, or
 3 classification shall be given prompt notice by the
 4 complaining party by mailing a copy of the complaint
 5 concerning such proposed change or revision to the carrier
 6 or publishing agent, ~~and such~~ Such carrier or carriers also
 7 shall be given an opportunity to reply to any such
 8 complaint. If the proposed change or revision is in a tariff
 9 issued by a tariff publishing bureau for a rail carrier or
 10 carriers, notice to such bureau of any complaint will
 11 constitute notice to the participating carriers in such
 12 tariff. When the suspension of any proposed change or
 13 revision in a tariff is ordered by the board, it shall also
 14 order a public hearing to consider the reasonableness of the
 15 proposed change or revision; due notice shall be given for
 16 such hearing to all known interests or affected persons and
 17 the same shall be allowed to appear and present evidence.

18 (3) Protestants of any rate changes shall file with
 19 the board SUCH PREPARED TESTIMONY AND EXHIBITS AS THEY WILL
 20 INTRODUCE AT THE PUBLIC HEARING. SUCH TESTIMONY AND
 21 EXHIBITS SHALL BE FILED WITH THE BOARD not later than 30
 22 days after the suspension of proposed tariff revisions or,
 23 in the case of application for rate change, not later than
 24 10 days before the hearing, the prepared testimony and
 25 exhibits that will be introduced at the public hearing. OR

1 NOT LATER THAN 30 DAYS AFTER THE RAILROAD HAS FILED
2 SUFFICIENT PREPARED TESTIMONY AND EXHIBITS, WHICHEVER OCCURS
3 FIRST.

4 (4) After considering the evidence presented at such
5 hearing, the board shall issue an order approving, denying,
6 or modifying the proposed change or revision; provided,
7 however, that unless such hearing is held and such order is
8 issued within one hundred eighty (180) days from the date
9 upon which the suspension was ordered, the proposed change
10 or revision shall be deemed approved and effective as filed.

11 (5) The board may, on its own motion or on the
12 complaint by a shipper or other person interested
13 investigate any rate, classification or rule approved and in
14 effect for transportation of freight by any railroad within
15 the state of Montana. The said board must, within sixty (60)
16 days after the commencement of an investigation on the
17 board's initiative, or after the filing with such board of a
18 complaint by a shipper, or other person interested, proceed
19 to investigate and determine the justness and reasonableness
20 of any classification, rate, charge, toll, regulation or
21 order made by said board."

-End-

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Section 1. Section 72-118, R.C.M. 1947, is amended to read as follows:

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~~any railroad without first obtaining approval therefor from the board. Such changes or revisions shall be made by ANY RAILROAD WITHOUT FIRST OBTAINING APPROVAL THEREFOR FROM THE BOARD. SUCH CHANGES OR REVISIONS SHALL BE MADE BY~~ either of the methods hereinafter set forth:

(1)(a) by filing an application with the board describing the nature and extent of the change, alteration or cancellation of the rate, classification, rule or regulation sought, ~~and the~~ The board shall thereafter give not less than ~~ten (10)~~ 20 days' notice, in the manner determined by the board as most likely to give notice to the persons to be affected, of the time and place of public hearing to be held on the application by the board, ~~at which time and place the~~ The public generally, or any person, firm, or corporation shall have an opportunity to present such facts, information or statistics as shall be pertinent to the hearing then being held, ~~or~~

(2)(b) by filing with the board the tariff sheet or sheets containing such changes or revisions, plainly stating the change or changes, or revision or revisions, to be made, ~~provided further, that the~~ The public shall be provided with such notice of the proposed changes or revisions as the board shall, by rule, require. The tariff sheet or sheets containing such changes or revisions shall be deemed approved and effective ~~thirty (30)~~ 45 days after

1 the same are filed unless the proposed revisions or changes
 2 are suspended or disallowed by the board prior to the
 3 expiration of the ~~thirty (30) day~~ 45-day period, ~~provided,~~
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 7 changes or revisions, all tariff sheets, ~~when suspended by~~
 8 ~~the board,~~ must be supported by such prepared testimony and
 9 exhibits from the railroad as will support such changes or
 10 revisions. ~~The prepared testimony and exhibits must be~~
 11 ~~filed with the commission thirty (30) days after the~~
 12 ~~effective date of such suspension.~~ Such testimony and
 13 exhibits may be supplemented prior to, or at the time of
 14 hearing, and supplemental exhibits may be filed after the
 15 close of the hearing at the direction or with permission of
 16 the commission.

17 (2) Upon its own initiative, or upon the complaint of
 18 any interested party filed with the board within twenty (20)
 19 days after the date upon which a change or revision of any
 20 rate, fare, change or classification is filed with the
 21 board, the board may suspend the operation of such rate,
 22 fare, charge, or classification for a period not to exceed
 23 one hundred eighty (180) days, ~~provided, however, that the~~
 24 The order directing such suspension must be issued by the
 25 board not less than two (2) business days prior to the

1 proposed effective date, ~~and provided further, that the~~ The
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 10 carriers, notice to such bureau of any complaint will
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 12 tariff. When the suspension of any proposed change or
 13 revision in a tariff is ordered by the board, it shall also
 14 order a public hearing to consider the reasonableness of the
 15 proposed change or revision; due notice shall be given for
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 22 days after the suspension of proposed tariff revisions ~~or~~
 23 in the case of application for rate change, not later than
 24 10 days before the hearing, the prepared testimony and
 25 exhibits that will be introduced at the public hearing, OR

1 NOT LATER THAN 30 DAYS AFTER THE RAILROAD HAS FILED
2 SUFFICIENT PREPARED TESTIMONY AND EXHIBITS, WHICHEVER OCCURS
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5 hearing, the board shall issue an order approving, denying,
6 or modifying the proposed change or revision; provided,
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8 issued within one hundred eighty (180) days from the date
9 upon which the suspension was ordered, the proposed change
10 or revision shall be deemed approved and effective as filed.

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12 complaint by a shipper or other person interested
13 investigate any rate, classification or rule approved and in
14 effect for transportation of freight by any railroad within
15 the state of Montana. The said board must, within sixty (60)
16 days after the commencement of an investigation on the
17 board's initiative, or after the filing with such board of a
18 complaint by a shipper, or other person interested, proceed
19 to investigate and determine the justness and reasonableness
20 of any classification, rate, charge, toll, regulation or
21 order made by said board."

-End-