

HOUSE BILL NO. 302

INTRODUCED BY BRADLEY, THAYER, MANUEL, SPAETH,
BRANDEWIE, HARP, HALLIGAN, BOYLAN, DONALDSON, NEUMAN

IN THE HOUSE

JANUARY 20, 1987 INTRODUCED AND REFERRED TO COMMITTEE
 ON BUSINESS & LABOR.

FEBRUARY 2, 1987 COMMITTEE RECOMMEND BILL
 DO PASS. REPORT ADOPTED.

FEBRUARY 3, 1987 PRINTING REPORT.

FEBRUARY 4, 1987 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 5, 1987 ENGROSSING REPORT.

FEBRUARY 6, 1987 THIRD READING, PASSED.
 AYES, 55; NOES, 45.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 10, 1987 INTRODUCED AND REFERRED TO COMMITTEE
 ON LABOR & EMPLOYMENT RELATIONS.

MARCH 26, 1987 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

MARCH 28, 1987 SECOND READING, CONCURRED IN.

MARCH 30, 1987 THIRD READING, CONCURRED IN.
 AYES, 37; NOES, 13.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1987 RECEIVED FROM SENATE.

 SECOND READING, AMENDMENTS
 CONCURRED IN.

APRIL 8, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 302
 2 INTRODUCED BY Bradley Allen Mendenhall
 3 Donna HARP John H. Newman

4 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING AUTHORITY TO
 5 THE PUBLIC SERVICE COMMISSION TO ALLOW CLOSURE OF CERTAIN
 6 RAILROAD FACILITIES NOT REQUIRED BY PUBLIC CONVENIENCE AND
 7 NECESSITY; AND AMENDING SECTION 69-14-202, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

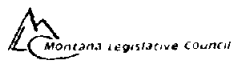
10 Section 1. Section 69-14-202, MCA, is amended to read:
 11 "69-14-202. Duty to furnish shipping and passenger
 12 facilities. (1) Every person, corporation, or association
 13 operating a railroad in the state shall maintain and staff
 14 facilities for shipment and delivery of freight and shall
 15 ship and deliver freight and accommodate passengers in at
 16 ~~least one location, preferably the county seat, in each~~
 17 ~~county through which the line of the railway passes and at~~
 18 ~~any point upon the line of such railway where there is a~~
 19 ~~city or town having a population, according to the last~~
 20 ~~federal census, of not less than 1,000; provided, however,~~
 21 ~~that this section shall not require the maintenance and~~
 22 ~~staffing of such facilities in any county or at any city or~~
 23 ~~town in which such facilities were not maintained and~~
 24 ~~staffed on July 1, 1969~~ in such facilities as were
 25 maintained and staffed on January 1, 1987.

1 (2) However, if a person, corporation, or association
 2 operating a railroad demonstrates to the public service
 3 commission, following an opportunity for a public hearing,
 4 that a facility is not required for public convenience and
 5 necessity, the commission shall authorize the closure,
 6 consolidation, or centralization of the facility.

7 ~~{2}--Nothing--in--this--section--authorizes--the~~
 8 ~~discontinuance--of--any--facility--presently--established--in--any~~
 9 ~~city, town, or other location having a population of less~~
 10 ~~than 1,000--without--a--hearing--before--the--public--service~~
 11 ~~commission, as provided by law."~~

12 NEW SECTION. Section 2. Extension of authority. Any
 13 existing authority of the public service commission to make
 14 rules on the subject of the provisions of this act is
 15 extended to the provisions of this act.

-End-



-2- INTRODUCED BILL
 HB-302

APPROVED BY COMM. ON BUSINESS AND LABOR

1 House BILL NO. 302
 2 INTRODUCED BY Bradley H. Brown Manuel Garcia
 3 Bonnie HARRIS Boyd Anderson
 4 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING AUTHORITY TO
 5 THE PUBLIC SERVICE COMMISSION TO ALLOW CLOSURE OF CERTAIN
 6 RAILROAD FACILITIES NOT REQUIRED BY PUBLIC CONVENIENCE AND
 7 NECESSITY; AND AMENDING SECTION 69-14-202, MCA."

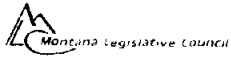
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 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 69-14-202, MCA, is amended to read:
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 12 facilities. (1) Every person, corporation, or association
 13 operating a railroad in the state shall maintain and staff
 14 facilities for shipment and delivery of freight and shall
 15 ship and deliver freight and accommodate passengers in at
 16 ~~least one location, preferably the county seat, in each~~
 17 ~~county through which the line of the railway passes and at~~
 18 ~~any point upon the line of such railway where there is a~~
 19 ~~city or town having a population, according to the last~~
 20 ~~federal census, of not less than 1,000; provided, however,~~
 21 ~~that this section shall not require the maintenance and~~
 22 ~~staffing of such facilities in any county or at any city or~~
 23 ~~town in which such facilities were not maintained and~~
 24 ~~staffed on July 1, 1969 in such facilities as were~~
 25 maintained and staffed on January 1, 1987.

1 (2) However, if a person, corporation, or association
 2 operating a railroad demonstrates to the public service
 3 commission, following an opportunity for a public hearing,
 4 that a facility is not required for public convenience and
 5 necessity, the commission shall authorize the closure,
 6 consolidation, or centralization of the facility.

7 ~~(2) Nothing in this section authorizes the~~
 8 ~~discontinuance of any facility presently established in any~~
 9 ~~city, town, or other location having a population of less~~
 10 ~~than 1,000 without a hearing before the public service~~
 11 ~~commission as provided by law."~~

12 NEW SECTION. Section 2. Extension of authority. Any
 13 existing authority of the public service commission to make
 14 rules on the subject of the provisions of this act is
 15 extended to the provisions of this act.

-End-



HOUSE BILL NO. 302

INTRODUCED BY BRADLEY, THAYER, MANUEL, SPAETH,
BRANDEWIE, HARP, HALLIGAN, BOYLAN, DONALDSON, NEUMAN

A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING AUTHORITY TO
THE PUBLIC SERVICE COMMISSION TO ALLOW CLOSURE OF CERTAIN
RAILROAD FACILITIES NOT REQUIRED BY PUBLIC CONVENIENCE AND
NECESSITY; AND AMENDING SECTION 69-14-202, MCA."

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 person, corporation, or association
operating a railroad in the state shall maintain and staff
facilities for shipment and delivery of freight and shall
ship and deliver freight and accommodate passengers in at
least one location, preferably the county seat, in each
county through which the line of the railway passes and at
any point upon the line of such railway where there is a
city or town having a population, according to the last
federal census, of not less than 1,000; provided, however,
that this section shall not require the maintenance and
staffing of such facilities in any county or at any city or
town in which such facilities were not maintained and
staffed on July 1, 1969 in such facilities as were

maintained and staffed on January 1, 1987.

(2) However, 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.

~~{2} Nothing in this section authorizes the
discontinuance of any facility presently established in any
city, town, or other location having a population of less
than 1,000 without a hearing before the public service
commission, as provided by law."~~

NEW SECTION. Section 2. Extension of authority. Any
existing authority of the public service commission to make
rules on the subject of the provisions of this act is
extended to the provisions of this act.

-End-

THIRD READING



1 HOUSE BILL NO. 302

2 INTRODUCED BY BRADLEY, THAYER, MANUEL, SPAETH,
3 BRANDEWIE, HARP, HALLIGAN, BOYLAN, DONALDSON, NEUMAN
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5 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING AUTHORITY TO
6 THE PUBLIC SERVICE COMMISSION TO ALLOW CLOSURE OF CERTAIN
7 RAILROAD FACILITIES NOT REQUIRED BY PUBLIC CONVENIENCE AND
8 NECESSITY; AND AMENDING SECTION 69-14-202, MCA."
9

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

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

12 "69-14-202. Duty to furnish shipping and passenger
13 facilities. (1) Every person, corporation, or association
14 operating a railroad in the state ON JANUARY 1, 1987, OR A
15 SUCCESSOR THERETO, shall maintain and staff facilities for
16 shipment and delivery of freight and shall ship and deliver
17 freight and accommodate passengers ~~in-at-least-one-location,~~
18 ~~preferably-the-county-seat,-in-each-county-through-which-the~~
19 ~~line-of-the-railway-passes-and-at-any-point-upon-the-line-of~~
20 ~~such-railway-where-there-is-a-city-or-town-having-a~~
21 ~~population,-according-to-the-last-federal-census,-of-not~~
22 ~~less-than-1,000,-provided,-however,-that-this-section-shall~~
23 ~~not-require-the-maintenance-and-staffing-of-such-facilities~~
24 ~~in-any-county-or-at-any-city-or-town-in-which-such~~
25 ~~facilities-were-not-maintained-and-staffed-on-July-1,-1969~~

1 in such facilities as were maintained and staffed on January
2 1, 1987.

3 (2) However, if a person, corporation, or association
4 operating a railroad demonstrates to the public service
5 commission, following an opportunity for a public hearing IN
6 THE COMMUNITY WHERE THE FACILITY IS SITUATED, that a
7 facility is not required for public convenience and
8 necessity, the commission shall authorize the closure,
9 consolidation, or centralization of the facility.

10 ~~(2) Nothing in this section authorizes the~~
11 ~~discontinuance of any facility presently established in any~~
12 ~~city, town, or other location having a population of less~~
13 ~~than 1,000 without a hearing before the public service~~
14 ~~commission, as provided by law."~~

15 NEW SECTION. Section 2. Extension of authority. Any
16 existing authority of the public service commission to make
17 rules on the subject of the provisions of this act is
18 extended to the provisions of this act.

-End-

STANDING COMMITTEE REPORT

SENATE

March 26, 1987

MR. PRESIDENT

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration HOUSE BILL No. 302

third reading copy (blue color)

GRANTING PSC AUTHORITY TO ALLOW CLOSURE OF CERTAIN RAILROAD FACILITIES

BRADLEY (THAYER)

Respectfully report as follows: That HOUSE BILL No. 302 be amended as follows:

- 1. Page 1, line 14.
Following: "state"
Insert: "on January 1, 1987, or a successor there to,"

KMK

AND AS AMENDED,
BE CONCURRED IN
~~XXXXXX~~

~~XXXXXXXXXX~~

J.D. Lynch
Sen. John "J.D." Lynch Chairman.

3.2
3