

HOUSE BILL NO. 626

INTRODUCED BY WHALEN, KNAPP, MENAHAN, BARDANOUVE, LYNCH,
WALKER, GOULD, RANEY, STIMATZ, WESTLAKE, DRISCOLL, PECK,
STRIZICH, DAILY, PAVLOVICH, DEMARS, ANDERSON, CONNELLY,
VINCENT, ADDY, HANSEN, KIMBERLEY, DARKO, J. BROWN,
GERVAIS, MCCORMICK, BLOTKAMP, MOORE, O'CONNELL, HALLIGAN,
COCCHIARELLA, HARRINGTON, BACHINI, BROOKE, SQUIRES,
NATHE, SPAETH, STANG, JOHNSON, SCHYE, COHEN, RUSSELL,
IVERSON, QUILICI, GAGE, BISHOP, D. BROWN, MANNING,
BOYLAN, JACOBSON, JERGESON, DEVLIN, RAPP-SVRCEK,
STEPPLER, SWYSGOOD, BECK, NISBET, WEEDING, MEYER,
KOEHNKE, HARP, REAM, MAZUREK, HARPER, KILPATRICK,
PIPINICH, TVEIT, O'KEEFE, JENKINS, YELLOWTAIL,
SEVERSON, B. BROWN, HAMMOND, CAMPBELL, STICKNEY,
WYATT, DAVIS

IN THE HOUSE

FEBRUARY 9, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
FEBRUARY 10, 1989	FIRST READING.
FEBRUARY 18, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1989	PRINTING REPORT.
FEBRUARY 21, 1989	SECOND READING, DO PASS. ENGROSSING REPORT.
FEBRUARY 22, 1989	THIRD READING, PASSED. AYES, 50; NOES, 46. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY. FIRST READING.
MARCH 21, 1989	COMMITTEE REPORT BILL WITH NO

RECOMMENDATION.

ON MOTION, MINORITY REPORT ADOPTED.
BILL CONCURRED IN.

MARCH 23, 1989

SECOND READING, CONCURRED IN AS
AMENDED.

MARCH 28, 1989

THIRD READING, CONCURRED IN.
AYES, 35; NOES, 14.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1989

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

APRIL 6, 1989

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 6, 1989

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

APRIL 13, 1989

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 13, 1989

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

FREE CONFERENCE COMMITTEE REPORTED.

APRIL 15, 1989

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

APRIL 18, 1989

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 18, 1989

FREE CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE HOUSE

APRIL 20, 1989

SENT TO ENROLLING.
REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *626* *Raper* *Shady*
2 INTRODUCED BY *W. Raper* *Meridian* *Boulanger*
3 *Back* *W. Raper* *Carlson* *Dismaw* *Timberly*
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." *Boyle*
8 *Boyle* *Boyle* *Boyle* *Boyle* *Boyle* *Boyle* *Boyle* *Boyle* *Boyle* *Boyle*
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 *Richard* *Manning* *Stephen* *Facellison* *Jergeson*
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 such facilities as
18 were maintained and staffed on January 1, 1987.
19 (2) However, if a person, corporation, or association
20 operating a railroad demonstrates to the public service
21 commission, following an opportunity for a public hearing in
22 the community where the facility is situated, that a
23 facility is not required for public convenience and
24 necessity, the commission shall authorize the closure,
25 consolidation, or centralization of the facility. For
purposes of this subsection, "public convenience and

1 necessity" means the maintenance and staffing of facilities
2 with equipment and instrumentalities necessary to promote
3 the safety, health, comfort, and convenience of the
4 railroad's patrons, its employees, and the public, which
5 must in all respects be adequate, efficient, just, and
6 reasonable."

-End-

-2- INTRODUCED BILL
HB 626

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

[Signature]

1 *[Signature]* **HOUSE BILL NO. 626** *Rarey* *Stansbury*
2 INTRODUCED BY *Winters* *Wagner* *Menahan* *Sanderson*
3 *[Signature]* *[Signature]* *[Signature]* *[Signature]*
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." *[Signature]* *[Signature]* *[Signature]*

8 *[Signature]* *[Signature]* *[Signature]* *[Signature]* *[Signature]* *[Signature]*
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AND ECONOMIC DEVELOPMENT

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NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS
EFFECTIVE ON PASSAGE AND APPROVAL.

-End-



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-End-

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 22, 1989 1:51 pm

Mr. Chairman: I move to amend HB 626 (third reading copy -- blue)
as follows:

1. Page 2, line 13.

Following: "."

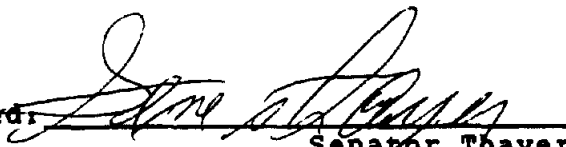
Strike: "For" on line 13 through "reasonable" on line 20

Insert: "In determining public convenience and necessity the
commission shall consider 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 public if the application is
granted, and any other factors the commission considers
significant to provide adequate rail service"

ADOPT

REJECT

Signed


Senator Thayer

HB 626

SENATE

HOUSE BILL NO. 626

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purposes--of--this--subsection,--"public--convenience--and
necessity"--means--the--maintenance--and--staffing--of--facilities
with--equipment--and--instrumentalities--necessary--to--promote
the--safety,--health,--comfort,--and--convenience--of--the
railroad's--patrons,--its--employees,--and--the--public,--which
must--in--all--respects--be--adequate,--efficient,--just,--and
reasonable IN DETERMINING PUBLIC CONVENIENCE AND NECESSITY,
 THE COMMISSION SHALL CONSIDER 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 PUBLIC IF THE
 APPLICATION IS GRANTED, AND ANY OTHER FACTORS THE COMMISSION

HB 0626/03

- 1 CONSIDERS SIGNIFICANT TO PROVIDE ADEQUATE RAIL SERVICE."
- 2 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS
- 3 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

Free Conference Committee
on HOUSE BILL 626
Report No. 1, April 13, 1989

Page 1 of 1

Mr. Speaker/Mr. President:

We, your Free Conference Committee on House Bill 626 met and considered: House Bill 626 and the Senate amendment to House Bill 626 (adopted March 23, 1989) in their entirety.

We recommend that House Bill 626 (reference copy -- salmon) be amended as follows:

1. Title, line 17.

Strike: "DEFINE"

Insert: "PROVIDE THE FACTORS THE PUBLIC SERVICE COMMISSION SHALL WEIGH AND BALANCE IN DETERMINING"

2. Page 2, line 21.

Following: "SHALL"

Insert: ", prior to making its decision,"

Strike: "CONSIDER"

Insert: "weigh and balance"

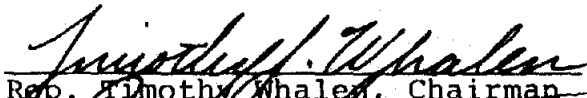
3. Page 2, line 24.

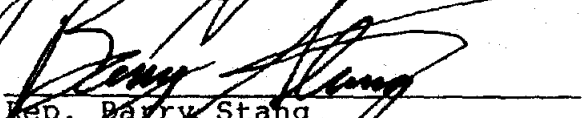
Following: "SHIPPING"

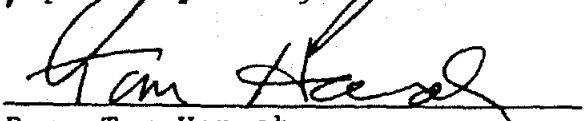
Insert: "and general"

And that the report of this Free Conference Committee be adopted.

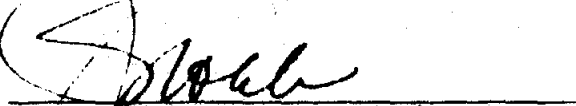
For the House:

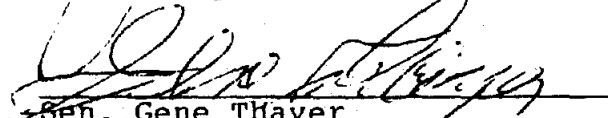

Rep. Timothy Whalen, Chairman

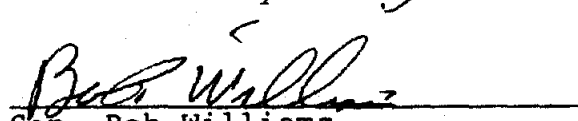

Rep. Barry Stang


Rep. Tom Hannah

For the Senate:


Sen. Jerry Noble, Chairman


Sen. Gene Thayer


Sen. Bob Williams

ADOPT

REJECT

HB 626

HOUSE BILL NO. 626

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HEARING, INCLUDING THE FACTS AND TESTIMONY PRESENTED BY THE
GENERAL PUBLIC, THE EXISTING BURDENS ON THE RAILROAD, THE

HB 0626/04

1 BURDENS PLACED UPON THE SHIPPING AND GENERAL PUBLIC IF THE
2 APPLICATION IS GRANTED, AND ANY OTHER FACTORS THE COMMISSION
3 CONSIDERS SIGNIFICANT TO PROVIDE ADEQUATE RAIL SERVICE."
4 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS
5 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-