

SENATE BILL NO. 117

INTRODUCED BY B. TUTVEDT

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MEMBERSHIP OF THE RAIL SERVICE COMPETITION COUNCIL; AMENDING SECTION 2-15-2511, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 2-15-2511, MCA, is amended to read:

"2-15-2511. Rail service competition council. (1) There is a rail service competition council consisting of the following members:

- (a) the director of the department of agriculture provided for in 2-15-3001;
- (b) the director of the department of transportation provided for in 2-15-2501;
- (c) the director of the department of revenue provided for in 2-15-1301;
- (d) the chief business development officer of the office of economic development provided for in 2-15-218;
- (e) ~~seven~~ eight people, appointed by the governor, who shall serve staggered 4-year terms commencing January 1 following their appointment, with the following qualifications:
 - (i) one person with substantial knowledge and experience related to Class I railroads;
 - (ii) one person with substantial knowledge and experience related to Class II railroads;
 - (iii) one person who is a farm commodity producer in the state and who has substantial knowledge and experience related to transportation of farm commodities;
 - (iv) one person with substantial knowledge and experience in the trucking industry in the state;
 - (v) one person with substantial knowledge and experience related to transportation for the mineral industry in the state;
 - (vi) one person with substantial knowledge and experience related to transportation for the coal industry in the state; ~~and~~
 - (vii) one person with substantial knowledge and experience related to transportation for the wood products industry in the state; and



1 (viii) one person with substantial knowledge and experience related to rail passenger service provided
2 by amtrak in Montana; and

3 (f) subject to 5-5-234, two members, one from the majority party and one from the minority party and one
4 from each house of the legislature, from the economic affairs interim committee established in 5-5-223, selected
5 by the presiding officer of the economic affairs interim committee with the concurrence of the vice presiding officer
6 at the first interim committee meeting at the beginning of each interim.

7 (2) The rail service competition council shall perform the following duties:

8 (a) promote rail service competition in the state that results in reliable and adequate service at
9 reasonable rates;

10 (b) develop a comprehensive and coordinated plan to increase rail service competition in the state;

11 (c) reevaluate the state's railroad taxation practices to ensure reasonable competition while minimizing
12 any transfer of tax burden. The reevaluation of the state's railroad taxation practices should include but is not
13 limited to a reevaluation of property taxes, taxes that minimize highway damage, special fuel taxes, and corporate
14 tax rates.

15 (d) develop various means to assist Montanans impacted by high rates and poor rail service;

16 (e) analyze the feasibility of developing legal structures to facilitate growth of producer transportation
17 investment cooperatives and rural transportation infrastructure authorities;

18 (f) provide advice and recommendations to the department of transportation on the department's
19 activities under 60-11-113 through 60-11-116;

20 (g) coordinate efforts and develop cooperative partnerships with other states and federal agencies to
21 promote rail service competition;

22 (h) act as the state's liaison in working with Class I railroads to promote rail service competition; and

23 (i) promote the expansion of existing rail lines and the construction of new rail lines in the state.

24 (3) ~~(a)~~ The council shall cooperate with and report to any standing or interim legislative committee that
25 is assigned to study or has oversight duties for rail service competition issues.

26 ~~(b) The council shall report to the 2009 legislature on its activities and its progress in performing the~~
27 ~~duties required in subsection (2).~~

28 (4) The council must be compensated, reimbursed, and otherwise governed by the provisions of
29 2-15-122.

30 (5) The council is attached for administrative purposes only to the department of transportation, which

1 may assist the council by providing staff and budgetary, administrative, and clerical services that the council or
2 its presiding officer requests.

3 (6) Staffing and other resources may be provided to the council only from state and nonstate resources
4 donated to the council and from direct appropriations by each legislature."

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6 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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8 NEW SECTION. **Section 3. Applicability.** [This act] applies to appointments made on or after [the
9 effective date of this act].

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