

HOUSE BILL 636

Introduced by Elliott, et al.

2/06	Introduced
2/06	Referred to Highways & Transportation
2/06	First Reading
2/14	Hearing
2/16	Committee Report--Bill Passed as Amended
2/25	2nd Reading Do Pass as Amended Failed

INTRODUCED BY

HOUSE BILL NO. 636  
*[Handwritten signature]*

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING SPECIAL PROVISIONS TO LOCAL GOVERNMENTS AND REFUSE DISPOSAL DISTRICTS FOR TRANSPORTATION OF WASTE; AND AMENDING SECTION 69-12-324, MCA."

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

Section 1. Section 69-12-324, MCA, is amended to read:

"69-12-324. Special provisions when federal or state or local government contract involved. (1) The presentation of the written contract to the commission shall--be--deemed is sufficient proof of public convenience and necessity in accordance with the terms and conditions contained within contracts of the United States government or, for purposes of subsection (1)(b), the state government, contracts a local government, or a refuse disposal district created under Title 7, chapter 13, part 2. Subject to the provisions of this section, a transportation movement is considered to be:

(a) the transportation for hire of persons between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the United States government or an agency or department thereof;

or

(b) the transportation for hire of solid waste between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the state government, or an agency or department thereof, a local government, or a refuse disposal district.

(2) The Class C certificate of public convenience and necessity issued pursuant to the terms and conditions of a contract of the United States government, or the state government, contract a local government, or a refuse disposal district may be issued by the commission upon receipt of an executed copy of the contract of the United States government, or the state government, contract a local government, or a refuse disposal district. The certificate of public convenience and necessity may be issued thereafter without requiring the commission to fix a time and place for public hearing.

(3) The certificate of public convenience and necessity, issued pursuant to the terms of the contract of the United States government, or the state government, contract a local government, or a refuse disposal district, is authorized only for the duration of the contract of the United States government, or the state government, contract the local government, or the refuse disposal district concerned. The certificate may be renewed for another



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1 definite term if the same motor carrier is the motor carrier  
2 authorized to operate under the contract of the United  
3 States government, or the state government, contract a local  
4 government, or a refuse disposal district."

-End-

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 636

INTRODUCED BY ELLIOTT, SVRCEK, STANG

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING SPECIAL PROVISIONS TO LOCAL GOVERNMENTS AND REFUSE DISPOSAL DISTRICTS FOR TRANSPORTATION OF WASTE; AND AMENDING SECTION 69-12-324, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 69-12-324, MCA, is amended to read:

"69-12-324. Special provisions when federal or state or local government contract involved. (1) The presentation of the written contract to the commission shall--be--deemed is sufficient proof of public convenience and necessity in accordance with the terms and conditions contained within contracts of the United States government or, for purposes of subsection (1)(b), the state government, contracts a local government, or a refuse disposal district created under Title 7, chapter 13, part 2. Subject to the provisions of this section, a transportation movement is considered to be:

(a) the transportation for hire of persons between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the United States government or an agency or department thereof;

or

(b) the transportation for hire of solid waste between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the state government, or an agency or department thereof, a local government, or a refuse disposal district. THE CONTRACT FOR TRANSPORTATION OF SOLID WASTE WITH A LOCAL GOVERNMENT OR A REFUSE DISPOSAL DISTRICT IS LIMITED TO MOVEMENTS BETWEEN A STATE-LICENSED CONTAINER SYSTEM PROGRAM OR A TRANSFER STATION OWNED BY THE LOCAL GOVERNMENT OR REFUSE DISPOSAL DISTRICT AND A LICENSED LANDFILL.

(2) The Class C certificate of public convenience and necessity issued pursuant to the terms and conditions of a contract of the United States government, or the state government, contract a local government, or a refuse disposal district may be issued by the commission upon receipt of an executed copy of the contract of the United States government, or the state government, contract a local government, or a refuse disposal district. The certificate of public convenience and necessity may be issued thereafter without requiring the commission to fix a time and place for public hearing.

(3) The certificate of public convenience and necessity, issued pursuant to the terms of the contract of the United States government, or the state government,

**SECOND READING**



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1 contract a local government, or a refuse disposal district,  
2 is authorized only for the duration of the contract of the  
3 United States government, or the state government, contract  
4 the local government, or the refuse disposal district  
5 concerned. The certificate may be renewed for another  
6 definite term if the same motor carrier is the motor carrier  
7 authorized to operate under the contract of the United  
8 States government, or the state government, contract a local  
9 government, or a refuse disposal district."

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

-End-