

Senate Bill 441

In The Senate

February 11, 1981	Introduced and referred to Committee on State Administration.
	Fiscal note requested.
February 16, 1981	Fiscal note returned.
February 20, 1981	Committee recommend bill do not pass.

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INTRODUCED BY Senate BILL NO. 441
Smith STEVE BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE LOCAL GOVERNMENT CONTRACTS FOR THE TRANSPORTATION OF SOLID WASTE AMONG THOSE CONTRACTS THAT ARE OF THEMSELVES SUFFICIENT PROOF OF PUBLIC CONVENIENCE AND NECESSITY AND REQUIRE NO PUBLIC HEARING PRECEDING ISSUANCE OF A CERTIFICATE; AMENDING SECTIONS 69-12-313, 69-12-321, AND 69-12-324, MCA."

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

Section 1. Section 69-12-313, MCA, is amended to read:
"69-12-313. Class C motor carrier certificate. (1) No Class C motor carrier, except any Class C motor carrier operating pursuant to the terms and conditions of a contract with the United States government or an agency or department thereof or of a contract for transporting solid waste with the state or an agency or department thereof, or with a local government entity, shall operate for the distribution, delivery, or collection of goods, wares, merchandise, or commodities or for the transportation of persons on any public highway in this state without first having obtained from the commission, under the provisions of this chapter, a certificate that public convenience and necessity require such operation.

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(2) A motor carrier making application for such permit shall do so in writing, separately for each route or locality for which consideration is desired, which petition shall be verified by the applicant and shall specify the following matters:

(a) the name and address of the applicant and the names and addresses of its officers, if any;

(b) the public highways or highways over which and the fixed termini between which or the route or routes over which it intends to operate, if the same are fixed, or the particular city, town, station, or locality from and/or to which the applicant intends to operate;

(c) the kind of transportation and the character of the goods, wares, merchandise, or commodities to be distributed, delivered, or collected, together with a full and complete description of the character of the vehicle or vehicles, including the rated tonnage capacity of such vehicles, to be used in such service of distribution, delivery, or collection; and

(d) such other or additional information as the commission may by order require.

(3) Such application shall be accompanied by a fee of \$100 to \$300, to be set by the commission based on the number of counties for which the certificate is requested.

(4) The submission of a Class C motor carrier

-2- INTRODUCED BILL
SB 441

1 application must be accompanied by the names and addresses
 2 of any person, corporation, or other legal entity with whom
 3 the applicant has executed a contract for the distribution,
 4 delivery, or collection of wares, merchandise, or
 5 commodities or transporting persons. Such contracts must be
 6 in writing, executed by the parties and submitted to the
 7 commission for examination."

8 Section 2. Section 69-12-321, MCA, is amended to read:

9 "69-12-321. Hearing on application for motor carrier
 10 certificate. (1) Upon the filing of such application by a
 11 Class A, Class B, Class C, or Class D motor carrier, except
 12 a Class C motor carrier authorized to operate under the
 13 terms of a contract with the United States government (or an
 14 agency or department thereof) or under the terms of a
 15 contract with a local government entity for transportation
 16 of solid waste, or upon the filing of a request for a
 17 transfer of authority, the commission shall give notice
 18 thereof to any interested party. The commission shall fix a
 19 time and place for hearing thereon whenever a protest or a
 20 request for a hearing is received. The hearing is to be set
 21 for a date not later than 60 days after receipt of a protest
 22 or a hearing request by the commission. Whenever no
 23 protests or hearing requests are received, the commission
 24 may act on the application without a hearing as prescribed
 25 by commission rules.

1 (2) Any motor carrier referred to in 69-12-322, the
 2 department of highways, the governing board or boards of any
 3 such county, town, or city into or through which the route
 4 or service as proposed may extend, and any person or
 5 corporation concerned are hereby declared to be interested
 6 parties to the proceedings and may offer testimony for or
 7 against the granting of the certificate.

8 (3) The contracting parties referred to in
 9 69-12-313(4) must appear and offer testimony in support of
 10 the applicant.

11 (4) However, an application by a Class A, Class B,
 12 Class C, or Class D motor carrier for a certificate may be
 13 disallowed without a public hearing thereon when it appears
 14 from the records of the commission that the route or
 15 territory sought to be served by the applicant has
 16 previously been made the basis of a public investigation and
 17 finding by the commission that public convenience and
 18 necessity do not require the proposed motor carrier service
 19 unless it is made to affirmatively appear in the application
 20 by a recital of the facts that conditions obtaining over the
 21 route or in the territory and affecting transportation
 22 facilities therein have materially changed since said public
 23 investigation and finding and that public convenience and
 24 necessity do now require the motor carrier operation.*

25 Section 3. Section 69-12-324, MCA, is amended to read:

1 *69-12-324. Special provisions when federal, or state,
 2 or local government solid waste contract involved. (1) The
 3 transportation for hire of any persons or commodities
 4 between any two points within the state by any motor
 5 carrier pursuant to the terms of a written contract between
 6 said carrier and the United States government or an agency
 7 or department thereof, or the state or an agency or
 8 department thereof, or a local government entity for the
 9 transportation of solid waste shall be deemed a
 10 transportation movement subject to the provisions of this
 11 chapter. However, the presentation of the written contract
 12 to the commission shall be deemed sufficient proof of public
 13 convenience and necessity in accordance with the terms and
 14 conditions contained within the United States government, or
 15 state, or local government contract.

16 (2) The ~~State~~-6 certificate of public convenience and
 17 necessity issued pursuant to the terms and conditions of the
 18 United States government, or state, or local government
 19 contract may be issued by the commission upon receipt of an
 20 executed copy of the United States government, or state, or
 21 local government contract. The certificate of public
 22 convenience and necessity may be issued thereafter without
 23 requiring the commission to fix a time and place for public
 24 hearing.

25 (3) The certificate of public convenience and

1 necessity, issued pursuant to the terms of the United States
 2 government, or state, or local government contract, is
 3 authorized only for the duration of the United States
 4 government, or state, or local government contract
 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 United States government, or
 8 state, or local government contract."

-End-

SB 441

STATE OF MONTANA

REQUEST NO. 361-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 11, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 441 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

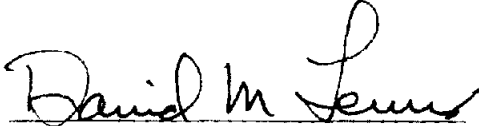
An act allowing local government to contract for garbage service and the contract being sufficient proof of Public Convenience and Necessity.

Assumption

Data based upon the elimination of the hearing expense associated with the authority applications of local government contracts for the transportation of solid waste.

<u>Fiscal Impact</u>	<u>FY 1982</u>	<u>FY 1983</u>
Revenue	\$ 0	\$ 0
Expenditures	(\$2,000)	(\$2,000)

The proposal would result in reduced expenditures of \$4,000 over the biennium.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-16-81
