HOUSE BILL NO. 73

INTRODUCED BY SCHULTZ

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IN THE HOUSE

January 4, 1983	Introduced and referred to Committee on Business and Industry.
February 2, 1983	Committee recommend bill do pass as amended. Report adopted.
February 3, 1983	Bill printed and placed on members' desks.
February 4, 1983	Second reading, do pass.
February 5, 1983	Considered correctly engrossed.
February 7, 1983	Third reading, passed. Transmitted to Senate.
IN THE SENATE	1
February 8, 1983	Introduced and referred to Committee on Highways and Transportation.
February 10, 1983	Rereferred to Committee on State Administration.
February 15, 1983	Committee recommend bill be concurred in. Report adopted.
March 3, 1983	Second reading, concurred in.
March 5, 1983	Third reading, concurred in. Ayes, 49; Noes, 0.

IN THE HOUSE

March 5, 1983

March 7, 1983

Returned to House.

Sent to enrolling.

Reported correctly enrolled.

LC 0404/01

1	HOUSE BILL ND. 73
2	INTRODUCED BY SCHULTZ
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT IN
5	MAKING A DECISION ON AN APPLICATION FOR A CLASS D HOTOR
6	CARRIER'S CERTIFICATE, THE PUBLIC SERVICE COMMISSION MUST
7	CONSIDER THE FURTHERANCE OF PUBLIC CONVENIENCE AND NECESSITY
. 8	AND THE PRONOTION OF COMPETITION; AMENDING SECTION
9	69-12-323, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 69-12-323, NCA; is amended to read:
13	■69-12-323. Decision on appTication. (1) The
14	commission must issue, within 180 days from and after the
15	date of the completed filing of said application, its
16	finding, order, or decision on said application and the
17	evidence presented in support thereof at the time of said
18	hearing. The commission may extend the foregoing time for
19	decision to a date requested by the applicant.
20	(2) [a] If after hearing upon application for a Class
21	<u>A. B. or C</u> certificate, the commission finds from the
22	evidence that public convenience and necessity require the
23	authorization of the service proposed or any part thereof,
23 24	authorization of the service proposed of any part therefor as the commission shall determine, a certificate therefor
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25	shall be issued. In determining whether a certificate should

1 be issued, the commission sha11 qive reasonable 2 consideration to the transportation service being furnished 3 or that will be furnished by any railroad or other existing 4 transportation agency and shall give due consideration to 5 the likelihood of the proposed service being permanent and 6 continuous throughout 12 months of the year and the effect 7 which the proposed transportation service may have upon 8 other forms of transportation service which are essential and indispensable to the communities to be affected by such 9 10 proposed transportation service or that might be affected 11 thereby. 12 (b) If after hearing upon application for a Class D 13 certificate. the commission finds from the evidence that public convenience and necessity would be furthered and a 14 15 healthy level of competition would be promoted by the authorization of the service proposed or any part thereof. 16 17 as the commission shall determines a certificate therefor 18 shall be issued. 19 (3) The commission may issue the certificate as praved 20 for or issue it for the partial exercise only of the 21 privilege sought and may attach to the exercise of the 22 rights granted by such certificate such terms and conditions 23 as in its judgment the public convenience and necessity may require. When a certificate has once been issued to a motor 24

25 carrier as provided in this part, such certificate shall INTRODUCED BILL

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continue in force until terminated by the commission for
 cause as herein provided or until terminated by the owner's
 failure to comply with 69-12-402."
 <u>NEW SECTION</u> Section 2. Effective date. This act is

5 effective on passage and approval.

-End-

Approved by Committee on <u>Business and Industry</u>

1	HOUSE BILL ND. 73
2	INTRODUCED BY SCHULTZ
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT IN
5	MAKING A DECISION DN AN APPLICATION FOR A CLASS D MOTOR
6	CARRIER'S CERTIFICATE, THE PUBLIC SERVICE COMMISSION MUST
7	MAY CONSIDER The f urtherangerf-publicgrnvenience-and
8	NECESSITY-AND THE PROMOTION OF COMPETITION; AMENDING SECTION
9	69-12-323, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-12-323, MCA, is amended to read: 12 13 *69-12-323. Decision on application. (1) The 14 commission must issue, within 180 days from and after the date of the completed filing of said application, its 15 finding, order, or decision on said application and the 16 17 evidence presented in support thereof at the time of said 18 hearing. The commission may extend the foregoing time for decision to a date requested by the applicant. 19

(2) (a) If after hearing upon application for a <u>Glass</u>
<u>Ax=Bx=or==6</u> certificate, the commission finds from the
evidence that public convenience and necessity require the
authorization of the service proposed or any part thereof,
as the commission shall determine, a certificate therefor
shall be issued. In determining whether a certificate should

1 issued, the commission shall ho give reasonable 2 consideration to the transportation service being furnished 3 or that will be furnished by any railroad or other existing 4 transportation agency and shall give due consideration to 5 the likelihood of the proposed service being permanent and 6 continuous throughout 12 months of the year and the effect 7 which the proposed transportation service may have upon ß other forms of transportation service which are essential and indispensable to the communities to be affected by such 9 10 proposed transportation service or that might be affected. 11 thereby.

- 12 (b)__if=ofter=beoring=upon=application=for=sp==Glass==B
- 13 certificatexiztber:commission=finds=ifres:tberewidence:tbat
- 14 public:convenience:and:necessity=would=be::fuftbered::ond::e
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- 17 <u>gazzthez-commission-sholl-determinez-s-certificote-therefor</u>
- 18 shell-be-issueds FOR PURPOSES OF CLASS_D_CERTIFICATES._A
- 19 DETERMINATION_OF_PUBLIC_CONVENIENCE_AND_NECESSITY_MAY
- 20 INCLUDE_A_CONSIDERATION_OF_COMPETITION.

21 (3) The commission may issue the certificate as prayed 22 for or Issue it for the partial exercise only of the 23 privilege sought and may attach to the exercise of the 24 rights granted by such certificate such terms and conditions 25 as in its judgment the public convenience and necessity may

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require. When a certificate has once been issued to a motor
 carrier as provided in this part, such certificate shall
 continue in force until terminated by the commission for
 cause as herein provided or until terminated by the owner's
 failure to comply with 69-12-402."
 NEW_SECTIONA Section 2. Effective date. This act is

7 effective on passage and approval.

-End-

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HOUSE BILL NO. 73

INTRODUCED BY SCHULTZ

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT IN 5 MAKING A DECISION ON AN APPLICATION FOR A CLASS D MOTOR 6 CARRIER'S CERTIFICATE, THE PUBLIC SERVICE COMMISSION MUST 7 MAY CONSIDER THE-FURTHERANGE-OF-PUBLIG--CONVENIENCE-AND 8 NECESSITY-AND THE PROMOTION OF COMPETITION; AMENDING SECTION 9 69-12-323, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 69-12-323, MCA, is amended to read: 13 *69-12-323. Decision onapplication. (1) The 14 commission must issue, within 180 days from and after the 15 date of the completed filing of said application, its 16 finding, order, or decision on said application and the 17 evidence presented in support thereof at the time of said 18 hearing. The commission may extend the foregoing time for 19 decision to a date requested by the applicant.

(2) (a) If after hearing upon application for a <u>Etass</u>
<u>AxTEXTERT</u> certificate, the commission finds from the
evidence that public convenience and necessity require the
authorization of the service proposed or any part thereof,
as the commission shall determine, a certificate therefor
shall be issued. In determining whether a certificate should

l be issued, the commission shall aive reasonable 2 consideration to the transportation service being furnished or that will be furnished by any railroad or other existing 3 transportation agency and shall give due consideration to 4 the likelihood of the proposed service being permanent and 5 continuous throughout 12 months of the year and the effect 6 7 which the proposed transportation service may have upon R other forms of transportation service which are essential 9 and indispensable to the communities to be affected by such 10 proposed transportation service or that might be affected 11 thereby.

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 hesitby::level::of::competition::would::be::promoted::by:tbe
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- 18 shall-be-issueds EDR_PURPOSES_OF_CLASS__D__CERTIFICATES+_A
- 19 DETERMINATION__OF__PUBLIC__CONVENIENCE__AND__NECESSITY__MAY
- 20 INCLUDE A CONSIDERATION OF COMPETITION.

21 (3) The commission may issue the certificate as prayed 22 for or issue it for the partial exercise only of the 23 privilege sought and may attach to the exercise of the 24 rights granted by such certificate such terms and conditions 25 as in its judament the public convenience and necessity may

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THIRD READING

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require. When a certificate has once been issued to a motor
 carrier as provided in this part, such certificate shall
 continue in force until terminated by the commission for
 cause as herein provided or until terminated by the owner's
 failure to comply with 59-12-402."

6 <u>NEW SECTION</u>. Section 2. Effective date. This act is 7 effective on passage and approval.

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1 HOUSE BILL NG. 73 2 INTRODUCED BY SCHULTZ 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT IN

5 MAKING A DECISION ON AN APPLICATION FOR A CLASS D MOTOR 6 CARRIER'S CERTIFICATE, THE PUBLIC SERVICE COMMISSION MUST 7 MAY CONSIDER THE--FURTHERANGE--OF--PUBLIC--CONVENTENCE-AND 8 NECESSITY-AND THE PROMOTION OF COMPETITION; AMENDING SECTION 9 69-12-323, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.#

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 69-12-323, MCA, is amended to read: 12 13 #69-12-323 Decision on application. (1) The commission must issue, within 180 days from and after the 14 date of the completed filing of said application, its 15 finding, order, or decision on said application and the 15 evidence presented in support thereof at the time of said 17 hearing. The commission may extend the foregoing time for 18 19 decision to a date requested by the applicant.

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evidence that public convenience and necessity require the
authorization of the service proposed or any part thereof,
as the commission shall determine, a certificate therefor
shall be issued. In determining whether a certificate should

be issued, the commission shall give reasonable consideration to the transportation service being furnished or that will be furnished by any railroad or other existing transportation agency and shall give due consideration to the likelihood of the proposed service being permanent and continuous throughout 12 months of the year and the effect which the proposed transportation service may have upon other forms of transportation service which are essential

9 and indispensable to the communities to be affected by such 10 proposed transportation service or that might be affected 11 thereby.

12 (b)___if-ofter-bearing-upon-application-for--a--Glass--8 13 certificatex==the==commission==finds==from=the=evidence=that 14 aublic-convenience-sod-necessity-would-be--furthered--and--s 15 beolthy__level__of__competition__would__bec_promoted__by_the 16 authorization_of_the_acvice_proposed_or_any__part__thereofy 17 shatt-be-tasked EDR_PURPOSES__OF__CLASS__D__CERTIFICATES.__A 18 DETERMINATION __OF__PUBLIC__CONVENIENCE__AND__NECESSITY__MAY 19 INCLUDE A CONSIDERATION DE COMPETITIONA 20 21 (3) The commission may issue the certificate as prayed 22 for or issue it for the partial exercise only of the Z 3 privilege sought and may attach to the exercise of the 24 rights grapted by such certificate such terms and conditions

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1 require. When a certificate has once been issued to a motor 2 carrier as provided in this part, such certificate shall 3 continue in force until terminated by the commission for 4 cause as herein provided or until terminated by the owner's 5 failure to comply with 69-12-402."

6 <u>NEW SECTION</u>. Section 2. Effective date. This act is

7 effective on passage and approval.

-End-

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