

HOUSE BILL NO. 186

Introduced: 01/12/83

Referred to Committee on Business & industry: 01/12/83

Hearing: 2/1/83

Died in Committee

1 ~~House~~ BILL NO. 186  
2 INTRODUCED BY Huffman Donaldson  
3 Lucas  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE PUBLIC  
5 SERVICE COMMISSION TO ISSUE CLASS D CERTIFICATES OF PUBLIC  
6 CONVENIENCE AND NECESSITY UNDER TERMS AND CONDITIONS OF  
7 CONTRACTS BETWEEN CARRIERS AND LOCAL GOVERNMENTS; AMENDING  
8 SECTION 69-12-321, MCA."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
11 NEW SECTION. Section 1. Special provisions -- Class D  
12 -- when local government contract involved. (1) Class D  
13 carriers transporting commodities described in 69-12-301(5)  
14 pursuant to the terms of a written contract between the  
15 carrier and local government are subject to the provisions  
16 of this chapter. However, presentation of the written  
17 contract to the commission is sufficient proof of public  
18 convenience and necessity in accordance with the terms and  
19 conditions contained within the local government contract.  
20 (2) A Class D certificate of public convenience and  
21 necessity issued pursuant to the terms and conditions of the  
22 local government contract shall be issued by the commission  
23 upon receipt of an executed copy of the local government  
24 contract. The certificate of public convenience and  
25 necessity may be issued without a public hearing.

1 (3) The certificate of public convenience and  
2 necessity issued pursuant to the terms of the local  
3 government contract is authorized only for the duration of  
4 the local government contract. The certificate may be  
5 renewed for another definite term if the same motor carrier  
6 is the motor carrier authorized to operate under the local  
7 government contract.

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 upon the filing of a  
15 request for a transfer of authority, the commission shall  
16 give notice thereof to any interested party. The commission  
17 shall fix a time and place for hearing thereon whenever a  
18 protest or a request for a hearing is received. The hearing  
19 is to be set for a date not later than 60 days after receipt  
20 of a protest or a hearing request by the commission.  
21 Whenever no protests or hearing requests are received, the  
22 commission may act on the application without a hearing as  
23 prescribed by commission rules.

24 (2) Any motor carrier referred to in 69-12-322, the  
25 department of highways, the governing board or boards of any

1 such county, town, or city into or through which the route  
2 or service as proposed may extend, and any person or  
3 corporation concerned are hereby declared to be interested  
4 parties to the proceedings and may offer testimony for or  
5 against the granting of the certificate.

6 (3) The contracting parties referred to in  
7 69-12-313(4) must appear and offer testimony in support of  
8 the applicant.

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

23 NEW SECTION. Section 3. Codification instruction.  
24 Section 1 is intended to be codified as an integral part of  
25 Title 69, chapter 12, part 3, and the provisions of Title

1 69, chapter 12, part 3, apply to section 1.

-End-

## STATE OF MONTANA

122-83

REQUEST NO. \_\_\_\_\_

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 15, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 186 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:

House Bill 186 requires the Public Service Commission to issue Class D Certificates of Public Convenience and Necessity (PC & N) under terms and conditions of contracts between carriers and local governments and amends section 69-12-321 MCA.

ASSUMPTIONS:

- 1) Would remove the cost to the state for providing a hearing as now required.

FISCAL IMPACT:

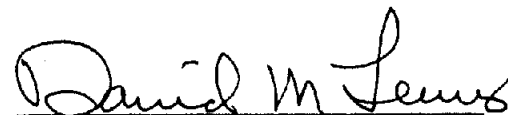
	<u>FY 84 &amp; 85</u>
Per Diem	\$ 306
Travel	98
Court Reporter Fee	200
	<u>\$ 604</u>

\$604 x 5 hearings = \$3,020 in decreased expenditures for the general fund.

LOCAL IMPACT:

May reduce local government cost by being able to award contract to lowest bidder regardless if that bidder holds PC & N at the time of bidding.

FISCAL NOTE 5:E/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-20-83