SENATE BILL NO. 436

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INTRODUCED BY BLAYLOCK, HIMSL

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

February	16,	1983		Introduced and referred to Committee on State Administration.
				Rereferred to Committee on Business and Industry.
February	21,	1983		Committee recommend bill do pass as amended. Report adopted.
				Statement of Intent attached.
				Bill printed and placed on members' desks.
February	22,	1983		Second reading, do pass as amended.
				Correctly engrossed.
February	23,	1983	·	Third reading, passed. Ayes, 48; Noes, 1. Transmitted to House.
			IN THE H	OUSE
February	28,	1983		Introduced and referred to Committee on Business and Industry.
March 1,	1983	3		Rereferred to Committee on State Administration.
March 23,	, 191	33		Committee recommend bill be concurred in as amended. Report adopted.

March 26, 1983	Second reading, concurred in as amended.
March 28, 1983	Third reading, concurred in.
IN	THE SENATE
March 28, 1983	Returned to Senate with amendments.
April 8, 1983	Second reading, amendments concurred in.
April 11, 1983	Third reading, amendments concurred in. Ayes, 48; Noes, 1.
	Sent to enrolling.
	Reported correctly enrolled.

note BILL NO. 136 1 INTRODUCED BY BLANDOL 2 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT REESTABLISHING THE 5 6 PUBLIC SERVICE COMMISSION UNDER EXISTING STATUTORY AUTHORITY 7 AND RULES: REVISING PUBLIC SERVICE COMMISSION AUTHORITY; 8 PROVIDING FOR FEES COMMENSURATE WITH COSTS; MAKING TEMPORARY **Q** MUNICIPAL REGULATORY AUTHORITY OVER UTILITIES PERMANENT; 10 EXEMPTING PRIVATELY DWNED AND COUNTY WATER AND SEWER SYSTEMS FROM PUBLIC SERVICE COMMISSION REGULATION; AUTHORIZING 11 12 TEMPORARY UTILITY RATE DECREASES; CLARIFYING TIME LIMITS ON 13 MUNICIPAL RATE INCREASES; MODIFYING MUNICIPAL RATE HEARING 14 NOTICE REQUIREMENTS; EXTENDING SPECIAL PROVISIONS RELATING WASTE DISPOSAL TO LOCAL GOVERNMENTS; ESTABLISHING 15 то 15 RATEMAKING AUTHORITY OVER CLASS D MOTOR CARRIERS; MAKING RAILROAD SAFETY FUNCTIONS PERMISSIVE RATHER THAN MANDATORY; 17 DELETING THE REQUIREMENT THAT RAILROADS SERVE ALL COUNTY 18 19 SEATS AND CITIES OVER 1,000; AMENDING SECTION 9, CHAPTER 607, LAWS OF 1981; AMENDING SECTIONS 2-8-103, 69-3-101, 20 21 69-3-204 69-3-304 69-7-101 69-7-102 69-7-111 69-12-311 22 THROUGH 69-12-313, 69-12-321, 69-12-324, 69-12-406+ 23 69-12-421, 69-12-423, 69-12-501, 69-12-502, 69-14-115, 24 69-14-116, AND 69-14-202, MCA; AND PROVIDING AN SFFECTIVE 25 DATE."

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2 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
3 MCA, terminates the Public Service Commission and requires a
4 performance evaluation of the Commission by the Legislative
5 Audit Committee; and

44EREAS, as a result of the performance evaluation, the
Legislative Audit Committee recommends that the Public
Service Commission be reestablished.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 <u>YEH_SECIION</u> Section 1. Reestablishment. The public

12 service commission, department of public service regulation, 13 created by 69-1-102, is reestablished for 6 years pursuant

14 to 2-8-122, with existing statutory authority and rules.

15Section 2- Section 2-8-103, MCA, is amended to read:16#2-8-103- Agencies to terminate. (1) The following

17 agencies shall terminate on July 1, 1979:

18 (a) board of abstracters, department of professional
19 and occupational licensing, created by 2-15-1643;

(b) board of real estate, department of professional
and occupational licensing, created by 2-15-1642;

(c) state board of warm air heating, ventilation, and
air conditioning, department of professional and
occupational licensing, created by 2-15-1656;

25 (d) board of institutions, department of institutions,

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1 created by 2-15-2303. 1 created by 2-15-1802; (2) The following agencies shall terminate on July 1, 2 (f) board of oil and gas conservation, department of 2 3 1981; natural resources and conservation, created by 2-15-3303; 3 (a) board of athletics, department of professional and (c) Montana outfitters! council, department of fish. 4 4 occupational licensing, created by 2-15-1661; 5 5 wildlife, and parks, created by 2-15-3403; th}--public--service--commissiony--department-of-public 6 (b) board of massage therapists, department of 6 7 professional and occupational licensing, created b٧ service-regulationy-created-by-69-1-1024 7 2-15-1627: titlhl board of water and wastewater operators, 8 8 9 {c} board of osteopathic physicians, department of department of health and environmental sciences, created by 9 10 professional and occupational licensing, created bγ 2-15-2105: 10 titll board of water well contractors, department of 11 2-15-1607; 11 (d) board of podiatry examiners, department of 12 12 commerce, created by 2-15-1862. 13 professional and occupational licensing, created by 13 (4) The following agencies terminate on July 1, 1985: (a) the board of public accountants, department of 14 2-15-1608** 14 15 (3) The following units of state government shall 15 commerce, created by 2-15-1866; 16 terminate on July 1, 1983: 16 (b) the board of architects, department of commerce, (a) board of aeronautics, department of commerce, 17 17 created by 2-15-1871; (c) state banking board, department of commerce, 18 created by 2-15-1812; 18 (b) state board of hail insurance, department of 19 19 created by 2-15-1803; 20 agriculture, created by 2-15-3003; electrical board, department of (d) the state 20 21 (c) board of horseracing, department of commerce, commerce, created by 2-15-1874; 21 created by 2-15-1881; (e) the board of professional engineers and land 22 22 (d) board of livestock, department of livestock, surveyors, department of commerce, created by 2-15-1873; 23 23 (f) office of commissioner of insurance and the 24 created by 2-15-3102; 24 25 (a) board of milk control, department of commerce, 25 insurance department, state auditor's office, created by

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1	2-15-1902 and 2-15-1903;	1	creatad by 2-15-1846;
2	(g) office of the securities commissioner, state	2	(h) board of chiropractors, department of commerce,
3	auditor's office, created by 2-15+1901;	3	created by 2-15-1847;
4	(h) the board of landscape architects, department of	4	(i) board of radiologic technologists, department of
5	commerce, created by 2-15-1872;	5	commerce, created by 2-15-1848;
6	(i) the board of county printing, department of	6	(j) board of speech pathologists and audiologists,
7	commerce, created by 2-15-1811;	7	department of commerce, created by 2-15-1849;
8	(j) the board of plumbers, department of commerce,	8	(k) board of hearing aid dispensers, department of
9	created by 2-15-1875;	9	commerce, created by 2~15-1850;
10	(k) board of physical therapy examiners, department of	10	 board of psychologists, department of commerce,
11	commerce, created by 2+15-1858.	11	created by 2-15-1851;
12	(5) The following agencies terminate on July 1, 1987:	12	(m) board of veterinarians, department of commerce,
13	(a) commission for human rights, department of labor	13	created by 2-15-1852;
14	and industry, created by 2-15-1706;	14	(n) board of morticians, department of commerce,
15	(b) Montana state board of medical examiners,	15	created by 2-15-1653;
16	department of commerce, created by 2-15-1841;	16	(o) board of barbers, department of commerce, created
17	<pre>(c) board of dentistry, department of commerce,</pre>	17	by 2-15-1856;
18	created by 2-15-1842;	18	(p) board of cosmetologists, department of commerce,
19	(d) board of pharmacists, department of commerce,	19	created by 2-15-1957;
20	created by 2-15-1843;	20	(q) board of sanitarians, department of commerce,
21	(2) board of nursing, department of commerce, created	21	created by 2-15-1061;
22	by 2-15-1844;	22	<pre>(r) board of veterans' affairs, department of social</pre>
23	(f) board of nursing home administrators, department	23	and rehabilitation services, created by 2-15-2202.
24	of connerce, created by 2-15-1845;	24	(5)Ibs_followingagency_terminatesJuly1+1989:
25	(g) board of optometrists, department of commerce,	25	publicservicecommissionsdepartmentofpublic_service
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-102*"	1	business, manufacturing, household use, or sewerage service,
• Fees. Each fee charged by the	2	whether within the limits of municipalities, towns, and
ate with the costs incurred in	3	villages or elsewhere;
or which the fee is charged.	4	<pre>t6)(f) telegraph or telephone service.</pre>
Chapter 507, Laws of 1961, is	5	<pre>[2]Ibe_term_"public_utility"_does_not_include:</pre>
	6	<pre>latbrixstelt_owned_and_operated_waterseweror</pre>
date and-termination-date. This	т	<u>combination_systems_tbat_do_not_serve_the_public:_or</u>
re on July l, 1981. It-shall	8	<u>[b]county_orconsolidatedcity_and_county_water_or</u>
	9	<pre>sewer_districts_as_defined_in_Title_7*_chapter_13*_parts22</pre>
3-101, MCA, is amended to read:	10	and_23."
term "public utility". [1] The	11	Section 6. Section 69-3-204, MCA, is amended to read:
n the meaning of this chapter,	12	M69-3-204. Fees to be charged by commission. (1) The
ration, both public and private,	13	public service commission shell may, except as otherwise
lation of individuals, their	14	provided by law, require and receive fees before filing
eivers appointed by any court	15	annual reports, schedules, applications, and supplements of
reafter may own, operate, or	15	these-ana-shall-requireandreceivefeesforcopiesof
ipment, any part of a plant or	17	ordersydocumentsyclassificationsy-blank-formsy-and-other
ht within the state for the	18	instruments-prepared-by-it-or-on-file-in-its-officeyunless
nishing for or to other persons,	19	ngt provided by law to be furnished free of charge r-under
porations, private or municipal:	20	the-following-schedule:
	21	to}-filing-annual-reportsy-eachy++++++++++++++++++++++++++++++++++++
service;	22	{b}filing-rate-schedulesy-each++++++++++++++++++++++++++++++++++++
	23	tc;classification-for-public-utilitiesy-each++9-1+50;
rm or by any agency;	24	(d)for-b}ank-forms-of-annual-reports-for-utilities
ded in chapter 7, water for	25	**************************************

1 regulation.created_by_69-1-1

2 NEW_SECTION. Section 3. 3 commission must be commensura 4 administering the function for

5 Section 4. Section 9. 5 amended to read:

7 "Section 9. Effective d 8 act shall become effective 9 terminate-on-July-ly-1983**

19 Section 5. Section 69-3 11 "69-3-101. Meaning of term "public utility", within 12 13 shall embrace every corpor: 14 company, individual, associa 15 lessees, trustees, or rece 16 whatspaver, that now or here 17 control any plant or equip 16 equipment, or any water right 19 production, delivery, or furni 20 firms, associations, or corpo

21 titlal heat;

22 (2)(b) street-railway se

23 (3)(c) light:

24 ttidl power in any form

25 ffilel except as provided in chapter 7, water for

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1 (2) The commission shall require and receive an 2 additional sum to be set by the commission to pay the cost 3 of publishing notice as required by this chapter.

4 (3) This section does not require or authorize the 5 public service commission to collect fees for the filing of 6 annual reports, schedules, and supplements of these which 7 relate solely to interstate commerce."

Saction 7. Section 69-3-304, MCA, is amended to read: 8 #69-3-304. Temporary approval of rate increases or 9 10 decreases. The commission may, in its discretion, 11 temporarily approve increases or decreases pending a hearing or final decision. If the final decision is to disapprove 12 13 the an increase, the commission shall may order a rebate to 14 all consumers for the amount collected retroactive to the 15 date of the temporary approval. If the final decision is to 15 disapprove_a_decreases_the_commission_may_order_a_surcharge 17 to be caid by all consumers for the amount not collected 18 retroactive to the date of the temporary approval. The 19 commission_may_order_interest_to_be_paid_on_a_rebate_or surcharge as determined by the commission. An order of the 20 21 commission approving or denying a temporary rate increase or 22 decrease shall be an intermediate agency action subject to 23 judicial review under the Montana Administrative Procedure 24 Act."

Section 8. Section 69-7-101, MCA, is amended to read:

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1 "69-7-101. Municipal utilities -- regulation Đγ 2 municipality -- limitation. A municipality has the power and 4 authority to regulate, establish, and change, as it 4 considers proper, rates, charges, and classifications 5 imposed for utility services to its inhabitants and other persons served by municipal utility systems. Rates, charges, 6 7 and classifications shall be reasonable and just and, except as provided in 69-7-102, they may not be raised to yield 8 9 more than a 12% increase in total annual revenues or, in the case of mandated federal and state capital improvements, the 10 11 increase may not exceed amounts necessary to meet the 12 requirements of bond indentures or loan agreements required 13 to finance the local government's share of the mandated 14 improvements. Annual_revenues_must_be_computed_on_any 15 consecutive__12-month_period_for_purposes_of_this_chapter." 16 Section 9. Section 69-7-102. MCA. is amended to read: "59-7-102. Rate increases over maximum. [1] If a 17 municipal utility requires rate increases that yield an 13 increase in total revenues in excess of 12% in any one year 19 20 or rate increases for mandated federal and state capital 21 improvements for which the increase exceeds amounts 22 necessary to meet the requirements of bond indentures or 23 loan agreements required to finance the local government's 24 share of the mandated improvements, it must make application for such increases to the public service commission. 25

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1	(2)If_tbe_oublic_servicecompission_issues_arate
2	orderapprovingsuch_an_increase.tbe_municipality_may_not
3	increase_any_rates_and_charges_under_this_chapter_within12
4	months_of_the_commission's_order_unless_an_increase_is
5	necessary_to_meet_the_requirementsofbondindenturesor
5	loanagreementsrequired_to_finance_the_local_government's
7	<pre>sbare_for_mandated_federal_and_state_capitalimprovements."</pre>
8	Section 10. Section 69+7-111, MCA, is amended to read:
9	*69~7-111. Municipal rate hearing required notice.
10	(1) If the governing body of a municipality considers it
11	advisable to regulate, establish, or change rates, charges,
12	or classifications imposed on its customers, it shall order
13	a hearing to be held before it at a time and place
14	specified.
15	(2) Notice of the hearing shall be published in a
16	newspaper as provided in 7-1-4127.
17	(3) (a) The notice shall be published three times with

18 at least 6 days separating each publication. The first 19 publication may be no more than 28 days prior to the 20 hearing, and the last publication may be no less than 3 days 21 prior to the hearing.

(b) The notice must also be mailed at least 7 days and
not more than 30 days prior to the hearing to persons served
by the utility. The notice shall-accompany-the-bill-for
services-of-thot-utility--and must be mailed within the

prescribed time period. This notice must contain an estimate
 of the amount the customer's average monthly bill will
 incresse.
 (4) The published notice must contain:
 (a) the date, time, and place of the hearing;
 (b) a brief statement of the proposed action; and

7 (c) the address and telephone number of a person who
8 may be contacted for further information regarding the
9 hearing.

10 (5) Notice of all hearings shall be mailed first
 11 class, postage prepaid, to the Montana consumer counsel."

12 Section 11. Section 69-12-311. MCA, is emended to 13 read:

14 *69-12-311. Class A motor carrier certificate. (1) No
15 Class A motor carrier shall operate for the transportation
16 of persons and/or property for hire on any public highway in
17 this state without first having obtained from the
18 commission, under the provisions of this chapter, a
19 certificate declaring that public convenience and necessity
20 require such operation.

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

25 (a) the name and address of the applicant and the

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1 names and addresses of its officers, if any;

2 (b) the public highway or highways over which and the
3 fixed termini between which or the regular route or routes
4 over which it intends to operate;

5 (c) the kind of transportation, whether passenger, 6 freight, or both, together with a full and complete 7 description of the character of the vehicle or vehicles to 8 be used, including the seating capacity of any vehicle to be 9 used for passenger traffic and the tonnage capacity of any 10 vehicle to be used in freight traffic;

11 (d) the proposed time schedule;

12 (e) a schedule of the tariff or rates desired to be
13 charged for the transportation of freight and/or passengers;
14 (f) a complete and detailed description of the
15 property proposed to be devoted to the public service;

16 (g) a detailed statement showing the assets and17 liabilities of such applicant; and

18 (h) such other or additional information as the 19 commission may by order require.

20 (3) Such application shall be accompanied by a filing
21 fee of--\$100-to--\$300y to be set by <u>rule_of</u> the commission
22 besed-on-the-number-of-counties-for-which-the-certificate-is
23 requested."

24 Section 12. Section 69-12-312, MCA, is amended to 25 read: 1 "59-12-312. Class B motor carrier certificate. (1) No
2 Class B motor carrier shall operate for the transportation
3 of persons and/or property for hire on any public highway in
4 this state without first having obtained from the
5 commission, under the provisions of this chapter, a
6 certificate that public convenience and necessity require
7 such operations.

8 (2) A motor carrier making application for such permit 9 shall do so in writing, separately for each locality for 10 which consideration is desired, which petition shall be 11 verified and shall specify the following matters:

12 (a) name and address of the applicant and the names13 and addresses of its officers, if any;

(b) the kind of transportation, whether passenger, freight, or both, together with a full and complete description of the character of the vehicle or vehicles to be used, including the seating capacity of any vehicle to be used for passenger traffic and the tonnage capacity of any vehicle to be used in freight traffic:

20 (c) the locality and character of operations to be 21 conducted;

(d) a schedule of the tariff of rates desired to be
charged for the transportation of freight and/or passengers;
(e) a complete and detailed description of the
property proposed to be devoted to the public service;

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(f) a detailed statement showing the assets and
 liabilities of such applicant; and

3 (g) such other or additional information as the
4 commission may by order require.

5 (3) Such application shall be accompanied by a filing
6 fee of-st00-to--f300y to be set by <u>rule_of</u> the commission
7 besed-on-the-number-of-counties-for-which-the-certificate-is
8 requested."

9 Section 13. Section 69-12-313, MCA, is amended to 10 read:

*59-12-313. Class C motor carrier certificate. (1) No 11 Class C motor carrier, except any Class C motor carrier 12 operating pursuant to the terms and conditions of a contract 13 with-the-United-States-government-or-an-ageney-or-deportment 14 15 thereof--or--of-a-contract-for-transporting-solid-waste-with the-state-or-an-agency-or-department-thereof as provided in 16 69-12-324, shall operate for the distribution, delivery, or 17 collection of goods, wares, merchandise, or commodities or 18 19 for the transportation of persons on any public highway in 20 this state without first having obtained from the commission, under the provisions of this chapter, a 21 certificate that public convenience and necessity require 22 23 such operation.

24 (2) A motor carrier making application for such permit25 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:

4 (a) the name and address of the applicant and the 5 names and addresses of its officers, if any;

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

11 (c) the kind of transportation and the character of 12 the goods, wares, merchandise, or commodities to be 13 distributed, delivered, or collected, together with a full 14 and complete description of the character of the vehicle or 15 vehicles, including the rated tonnage capacity of such 16 vehicles, to be used in such service of distribution, 17 delivery, or collection; and

18 (d) such other or additional information as the19 commission may by order require.

20 (3) Such application shall be accompanied by a fee of
 21 \$100-to-\$300, to be set by <u>rule of</u> the commission based--on
 22 the---number--of--counties--for--which--the--certificate--is
 23 requested.

24 (4) The submission of a Class C motor carrier25 application must be accompanied by the names and addresses

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of any person, corporation, or other legal entity with whom the applicant has executed a contract for the distribution, delivery, or collection of wares, merchandise, or commodities or transporting persons. Such contracts must be in writing, executed by the parties and submitted to the commission for examination."

7 Section 14. Section 69-12-321, MCA, is amended to 8 read:

"69-12-321. Hearing on application for motor carrier 9 certificate. (1) Upon the filing of such application by a 10 Class A, Class B, Class C, or Class D motor carrier, except 11 12 a Class C motor carrier authorized to operate under the 13 terms of a contract with-the-United-States-government-for-an 14 agency--or--department-thereof; as provided in 69-12-324, or 15 upon the filing of a request for a transfer of authority, the commission shall give notice thereof to any interested 15 17 party. The commission shall fix a time and place for hearing thereon whenever a protest or a request for a hearing is 18 19 received. The hearing is to be set for a date not later than 60 days after receipt of a protest or a hearing request by 20 21 the commission. Whenever no protests or hearing requests are received, the commission may act on the application without 22 23 a hearing as prescribed by commission rules.

(2) Any motor carrier referred to in 59-12-322, the
 department of highways, the governing board or boards of any

such county, town, or city into or through which the route
 or service as proposed may extend, and any person or
 corporation concerned are hereby declared to be interested
 parties to the proceedings and may offer testimony for or
 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.

(4) However, an application by a Class A, Class B, 9 Class C. or Class D motor carrier for a certificate may be 10 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 previously been made the basis of a public investigation and 14 15 finding by the commission that public convenience and necessity do not require the proposed motor carrier service 16 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 facilities therein have materially changed since said public 20 21 investigation and finding and that public convenience and 22 necessity do now require the motor carrier operation." 23 Section 15. Section 69-12-324, MCA, is amended to

23 Section 15. Section 69-12-524, MCA, 15 amended to 24 read:

25 "69-12-324. Special provisions when federals or states

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1	<u>orlocalgovernment</u> contract involved. (1) T he
2	transportationforhireofanypersonsorcommodities
3	between-any-twopointswithinthestatebyanymotor
4	carrierpursuant-to-the-terms-of-a-written-contract-between
5	said-carrier-and-the-United-States-government-oranagency
6	ordepartmentthereoforthestateoranagencyor
7	deportment-thereof-for-thetransportationofsolidwaste
8	shallbedeemedatransportation-movement-subject-to-the
9	provisions-of-this-chapter-However-the-presentation-of-the
10	writtencontracttothecommissionshallbedeemed
11	sufficientproofofpublicconvenienceand-necessity-in
12	accordance-with-the-terms-andconditionscontainedwithin
13	theUnitedStates-government-or-state-contract* <u>Subject_to</u>
14	<u>the provisions of this section. a transportation movement is</u>
15	considered_to_be;
16	(a) the transportation for birg of persons or
17	<u>commoditiesbetweentwo_points_within_the_state_by_a_motor</u>
18	<u>carrier_pursuant_to_the_terms_of_a_written_contractbetween</u>
19	<u>the carrier and the United States government or an agency or</u>
20	department_thereofi_or
21	<pre>(b)the_transportation_for_bire_of_solid_waste_between</pre>
22	<u>two_points_within_the_state_by_a_motor_carrier_pursuant_to</u>
23	the terms of a written contract between the carrier and the
24	<u>state_goverument_or_ao_agency_or_department_thereof_or_a</u>
25	local government, including but not limited to cities and

1 <u>counties.</u>

z	(2) The Class C certificate of public convenience and
3	necessity issued pursuant to the terms and conditions of the
4	United States government or state <u>or_local_government</u>
5	contract may be issued by the commission upon receipt of an
6	executed copy of the United States government or state or
7	localgovernment contract. The certificate of public
8	convenience and necessity may be issued thereafter without
9	requiring the commission to fix a time and place for public
10	hearing.
11	(3) The certificate of public convenience and
12	necessity, issued pursuant to the terms of the United States
13	government or state <u>or local government</u> contract, is
14	authorized only for the duration of the United States
15	government or state or local government contract concerned.
16	The certificate may be renewed for another definite term if
17	the same motor carrier is the motor carrier authorized to
18	operate under the United States government or state <u>or local</u>
19	government contract."
20	Section 16. Section 69-12-406, MCA, is amended to
21	read:

22 #69-12-406. Restriction on transportation of certain 23 waste. No Except as provided in 69-12-324, no Class A, 8, or 24 C carrier will be authorized or permitted to transport 25 ashes, trash, waste, refuse, rubbish, garbage, or organic

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1 and inorganic matter within the state.*

2 Saction 17. Section 69-12-421, MCA, is amended to 3 read:

4 *69-12-421. Annual fee for motor carriers. (1) Except as provided in subsection (2). In addition to all of the 5 licenses, fees, or taxes imposed upon motor vehicles in this 6 7 state and in consideration of the use of the public highways of this state, every motor carrier shall, at the time of the R issuance of a certificate and annually thereafter, on or 9 10 between denuary October 1 and the following January 15 31 of 11 each-calendar-year, pay to the public service commission of Montana the--sum--of-\$5 a fee set by rule of the commission 12 for every motor vehicle operated by the carrier over or upon 13 the public highways of this state. 14

15 (2) (a) A motor carrier engaged in seasonal operations only: where its operations do not extend continuously over a period of not to exceed 6 months in any calendar year, shall only be required to pay compensation and fees in a sum equal to one-half of the compensation and fees herein provided.

(5). The compensation and fees herein imposed shall not
apply to motor vehicles maintained and used by a motor
carrier as standby or emergency equipment. The commission
shall have the power and it is hereby made its duty to
determine what motor vehicles shall be classed as standby or
emergency equipment.[#]

Section 18. Section 69-12-423. MCA. is amended to read:

3 #69-12-423. Fees to be charged by commission. (1) The 4 public service commission shall may, except as otherwise provided by law, require and receive fees before filing 5 6 annual reports, tariffs, schedules, applications, and supplements of-these-and-shall-require-and-receive-fees--for 7 8 copies--of--ordersy-documentsy-classificationsy-blank-formsy and-other-instruments-prepared-by--it--or--on--file--in--its 9 officey--unless not provided by law to be furnished free of 10 11 charge-under-the-following-schedule: tej--filing-annual-reportsy-each-yyyyyyyyyyyyyyyyyyyy 12 tb}--filing-tariffsy-time--schedulesy--and--supplements 13 14 15 tet--for-issuing-certificates-of-public-conventence-and necessity-to-motor-caffief5y-esch-wwwwwwwwwwwwwwwwwwwwwwwwwwww 16 17 +d+--classification-for-motor-corriers-each-ww-4--w50+ 18 tet--for--a--copy--of--the-rules-for-motor-corriers-and 19 blank-forms-of-annual-reports-for-common-corriers-www--cost. 20 (2) The commission shall require and receive an

19 blank-forms-of-annual-reports-for-common-carriers----cost.
20 (2) The commission shall require and receive an
21 additional sum to be set by the commission to pay the cost
22 of publishing such notice as may be required by this
23 chaoter.

24 (3) This section does not require or authorize the25 public service commission to collect fees for the filing of

annual reports, tariffs, schedules, and supplements of these
 which relate solely to interstate commerce."

3 Section 19. Section 69-12-501, MCA, is amended to 4 read:

5 "59-12-501. Rate schedules to be maintained. (1) Every 6 Class As or Bs or D motor carrier holding a certificate must 7 maintain on file with the commission a full and complete 8 schedule of its rates, fares, charges, classifications, and 9 rules of service and any and all tariff provisions relating 10 to such rates, fares, charges, classifications, or rules. 11 Every Class A or Class B motor carrier schedule on file and 12 approved on March 7, 1961, shall remain in full force and 13 effect until changed or modified by the commission or by the 14 carrier with the approval of the commission.

15 (2) No change. modification. alteration. increase. or 16 decrease in any rate, fare, charge, classification, or rule 17 of service shall be made by any motor carrier without first 13 obtaining the approval of the commission. The commission 19 shall prescribe rules providing for the form and style of 20 all schedules and tariffs and for the procedures to be 21 followed in filing or publishing any changes or 22 modifications of the same."

23 <u>YEW_SECTION</u> Section 20. Existing Class D carrier 24 rates in effect. The rates, tolls, and charges levied by 25 Class D motor carriers that were in effect on January 1, LC 0957/01

1983, are the lawful rates, tolls, and charges until they
 are changed, as provided in Title 69, chapter 12.

3 Section 21. Section 69-12-502, MCA, is amended to 4 read3

5, #69-12-502. Prohibition on deviation from rate schedules. It shall be unlawful for any Class As of Br or D 6 motor carrier to charge, demand, receive, or collect any 7 oreater or less rate, charge, or fare than that fixed by the R 9 commission for the transportation service provided. when maximum or minimum rates have been established for any 10 service provided by any Class C motor carrier, it shall 11 12 likewise be unlawful for such carrier to charge, demand, receive, or collect any greater compensation or rate than 13 that established for the service by any applicable maximum 14 15 rate or any less compensation or rate than that established 16 by any applicable minimum rate. It also shall be unlawful 17 for any Class A₂ or B₂ or D motor carrier or any Class C 18 motor carrier subject to maximum or minimum rates to refund 19 or remit, in any manner or by any device, any portion of the rates, fares, and charges required to be collected under the 20 21 schedule of the Class As or Bs or D carrier on file with the 22 commission or under the maximum or minimum rates established 23 by the commission for the Class C carrier."

24 Section 22. Section 69-14-115, MCA, is amended to 25 read:

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-24-

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"59-14-115. Investigation, enforcement, and report
 concerning railroad safety laws. (1) The commission shall
 max:

4 (a) make inquiry into the observance by all railroads
5 within this state of the laws of the United States and of
6 Montana intended to safeguard the lives of the employees of
7 persons or corporations engaged in operating the same;

8 (b) lay complaint before the proper state or federal 9 officer. of any infraction of any of such laws; and

(c) prosecute before the proper court or tribunal any 10 person guilty of violation of the penal provisions thereof. 11 (2) The commission shall in the annual report required 12 by 2-7-102 set out what effort it has made to carry out the 13 provisions of this section, with the result thereof, and in 14 detail what steps it has taken to prosecute any violations 15 of any such acts of which it has secured information. A copy 16 of this annual report shall be mailed to the secretary of 17 18 the department of transportation."

19 Section 23. Section 69-14-116, MCA, is amended to 20 read:

21 #69-14-116. General protection of health and safety on
22 railroads. (1) The commission shall-have-full-authority max:
23 (a) after notice and hearing, to make and enforce
24 rules providing for the installation on and equipment of
25 trains, cars, or engines with safety appliances and

providing for sanitation and adequate shelter as it affects
 the health of all railroad employees, including but not
 limited to trainmen, enginemen, yardmen, maintenance-of-way
 employees, highway crossing watchmen, and clerical,
 platform, freight house, and express employees; and

6 (b) to inspect the same and enforce regulations with7 regard thereto.

8 (2) Such inspection, rules, and regulations to be from 9 time to time coextensive with the requirements of and in 10 conformity to the provisions of the acts of congress and 11 rules and regulations of the interstate commerce commission 12 and the department of transportation, as then effective."

13 Section 24. Section 69-14-202, MCA, is amended to
14 read:

769-14-202. Duty to furnish shipping and passenger 15 16 facilities. (1)-Every No person, corporation, or association operating a railroad in the state shall-maintain--and--staff 17 which maintains and staffs facilities for shipment and 18 delivery of freight and shatt-ship-and-deliver--freight--and 19 accommodate which ships and delivers freight and 20 accommodates passengerst_or_both: in-et-least-one--leastiony 21 preferably-the-county-seaty-in-each-county-through-which-the 22 tine-of-the-railway-passes-and-at-any-point-upon-the-line-of 23 such--raitway--where--there--is--s--city--or--town--having-a 24 ton-tederationy-according-to-the-tast--federat--censusy--of--not 25

.

1 less--than-ly0801-providedy-howevery-that-this-section-shall 2 not-require-the-maintenance-and-staffing-of-such--facilities 3 in--eny--county--of--at--eny--city--of--town--in--which-such factlities-were-not-maintained-and-staffed-on-july-ly--1969* 4 t2}--Nothing----in----this---section---authorizes---the 5 6 discontinuance of may discontinue or remove _any _agency_or any station facility presently established in any city, 7 8 town, or other location having-a--population--of--less--than 9 17000 without a hearing before the public service 10 commission, as provided by law-* NEW_SECTION. Section 25. Codification instruction. 11

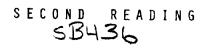
12 Section 3 is intended to be codified as an integral part of 13: Fitle 69, chapter 1, part 1, and the provisions of Title 69, 14 chapter 1, part 1, apply to section 3.

15 <u>NEW SECTION</u>. Section 26. Effective date. This act is 16 effective July 1: 1983.

-End-

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1	STATEMENT OF INTENT
2	SENATE BILL 436
3	Senate Business and Industry Committee
4	
5	A statement of intent is required for Senate Bill 436
6	because it grants the Public Service Commission authority to
7	charge fees commensurate with costs.
8	The Legislature intends that the fees be set in an
9	amount sufficient to provide funds to administer the
10	function for which the fee is charged. Fees may not be set
11	so high as to generate revenue in excess of expenses.



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

1	SENATE BILL ND. 436
2	INTRODUCED BY BLAYLOCK, HIMSL
3	BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
4	
5	A BILL FOR AN ACT ENTITLED: MAN ACT REESTABLISHING THE
6	PUBLIC SERVICE COMMISSION UNDER EXISTING STATUTORY AUTHORITY
7	AND PILES; REVISING PUBLIC SERVICE COMMISSION AUTHORITY;
8	PROVIDING FOR FEES COMMENSURATE WITH COSTS; MAKING TEMPORARY
9	NUNICIPAL REGULATORY AUTHORITY OVER UTILITIES PERMANENT;
10	EXEMPTING PRIVATELY OWNED AND COUNTY WATEP AND SEWER SYSTEMS
11	FROM PUBLIC SERVICE COMMISSION REGULATION; AUTHORIZING
12	TEMPORARY UTILITY RATE DECREASES; CLARIFYING TIME LIMITS ON
13	MUNICIPAL RATE INCREASES; MODIFYING MUNICIPAL RATE HEARING
14	NCTICE REQUIREMENTS; EXTENDING SPECIAL PROVISIONS RELATING
15	TO WASTE DISPOSAL TO LOCAL GOVERNMENTS; ESTABLISHING
15	RATEMAKING-AUTHORITY-OVER-ELASSDMOTORGARRIERS; MAKING
17	RAILROAD SAFETY FUNCTIONS PERMISSIVE RATHER THAN MANDATORY;
18	86267346-THE-REQUIREMENT-THATRAILROADSSERVEALLCOUNTY
19	SEATSANDGITIESBYERLy000t AMENDING SECTION 9. CHAPTER
20	607, LAWS OF 1981; AMENDING SECTIONS 2-8-103, 69-5-101,
21	69-3-204, 69-3-304, 69-7-101, 69-7-102, 69-7-111, 69-12-311
22	THRDUGH 69-12-313, 69-12-321, 64-12-324, 69-12-406,
23	69-12-421, 69-12-423, 69-12-501,-69-12-502, 69-14-115, <u>AND</u>
24	69-14-116, ANO-69-14-202, MCA; AND PROVIDING AN EFFECTIVE
25	DATE.*

WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
MCA, terminates the Public Service Commission and requires a
performance evaluation of the Commission by the Legislative
Audit Committee; and
WHEREAS, as a result of the performance evaluation, the
Legislative Audit Committee recommends that the Public
Service Commission be reestablished.
· · · · ·
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
<u>MEM_SECTION.</u> Section 1. Reestablishment. The public
service commission, department of public service regulation,
created by 69-1-102, is reestablished for 6 years pursuant
to 2-3-122, with existing statutory authority and rules.
Section 2. Section 2-8-103, MCA, is amended to read:
"2~8-193. Adencies to terminate. (1) The following
acencies shall terminate on July 1, 1979:

18 (a) board of abstracters, department of professional19 and occupational licensing, created by 2-15-1643;

(b) board of real estate, department of professional

21 and occupational licensing, created by 2-15-1642;

(c) state board of warm air heating, ventilation, and
air conditioning, department of professional and
occupational licensing, created by 2-15-1656;

25 (d) board of institutions, department of institutions,

.

created by 2-15-1802; 1 created by 2-15-2303. 1 z (2) The following agencies shall terminate on July 1. z (f) board of oil and gas conservation, department of З 1981; 3 natural resources and conservation+ created by 2-15-3303; 4 (a) board of athletics, department of professional and 4 (g) Montana outfitters' council, department of fish, wildlife, and parks, created by 2-15-3403; 5 occupational licensing, created by 2-15-1661; 5 tht--public--service--commissiony--department-of-public 6 (b) board of massage therapists, department of 5 professional and occupational licensing, created by 7 service-regulationy-created-by-69-1-102; 7 8 2-15-1627; 8 +++(h) board of water and wastewater operators, department of health and environmental sciences, created by 9 (c) board of osteopathic physicians, department of 9 2-15-2105; 10 professional and occupational licensing. created by 10 2-15-1607; fill board of water well contractors, department of 11 11 12 podiatry examiners, department of commerce, created by 2-15-1862. (d) board of 12 13 professional and occupational licensing, created by 13 (4) The following acencies terminate on July 1, 1985: 14 2-15-1608+. 14 (a) the board of public accountants, department of 15 (3) The following units of state government shall 15 commerce, created by 2-15-1866; 16 terminate on July 1, 1983: 16 (b) the board of architects, department of commerce. 17 (a) board of aeronautics, department of commerce, 17 created by 2-15-1871; 18 created by 2-15-1812; (c) state banking board, department of commerce, 18 (b) state board of hail insurance, department of 19 19 created by 2-15-1803; agriculture, created by 2-15-3003; 20 (d) the state electrical board, department of 20 21 (c) board of horseracing, department of commerce, 21 commerce, created by 2-15-1874; 22 created by 2-15-1881; 22 (e) the board of professional engineers and land 23 (d) board of livestock, department of livestock, 23 surveyors, department of commerce, created by 2-15-1873; 24 created by 2-15-3102; (f) office of commissioner of insurance and the 24 25 (a) board of milk control, department of commerce, insurance department, state auditor's office, created by 25 -3-SB 436 SB 436 -4-

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1	2-15-1902 and 2-15-1903;	1	created by 2-15-1846;
2	(g) office of the securities commissioner, state	2	<pre>(h) board of chiropractors, department of commerce,</pre>
3	auditor's office, created by 2-15-1901;	3	created by 2-15-1847;
4	(n) the board of landscape architects, department of	4	(i) board of radiologic technologists, department of
5	commerce, created by 2-15-1872;	5	commerce, created by 2-15-1849;
6	(i) the board of county printing, department of	6	(j) board of speech pathologists and audiologists,
7	commerce, created by 2-15-1811;	7	department of commerce, created by 2-15-1849;
8	(j) the board of plumbers, department of commerce,	8	(k) board of hearing aid dispensers, department of
9	created by 2-15-1875;	9	commerce, created by 2-15-1850;
10	(k) board of physical therapy examiners, department of	10	(1) board of psychologists, department of commerce,
11	commerce, created by 2-15-1858.	11	created by 2-15-1851;
12	(5) The following agencies terminate on July 1, 1987:	12	(n) board of veterinarians, department of commerce,
13	(a) commission for human rights, department of labor	13	created by 2-15-1852;
14	and industry, created by 2+15-1706;	14	(n) board of morticians, department of commerce,
15	(b) Montana state board of medical examiners,	15	created by 2-15-1853;
16	department of commerce, created by 2-15-1841;	16	(a) board of barbers, department of commerce, created
17	(c) board of dentistry, department of commerce,	17	by 2-15-1856;
18	created by 2-15-1842;	18	(a) board of cosmetologists, department of commerce,
19	(d) board of pharmacists, department of commerce,	19	created by 2-15-1857;
20	created by 2-15-1843;	20	(7) board of sanitarians, department of commerce,
21	(e) board of nursing, department of commerce, created	21	created by 2-15-1861;
22	by 2-15-1844;	22	(r) board of veterans' affairs, department of social
23	(f) board of nursing home administrators, department	23	and rehabilitation services, created by 2-15-2202.
24	of commerce, created by 2-15-1845;	24	<u>161_Tha_following_agency_terminates_July_11969:</u>
25	() board of optometrists, department of commerce,	25	<u>cublic_service_commissions_department_of_public_service</u>

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1	regulation.created_by_69=1=102."	1	t+ <u>f(d)</u> nower in any form or by any agency;
2	NEW_SECTION. Section 3. Fees. Each fee charged by the	?	(5)[<u>e1</u> except as provided in chapter 7, water for
3	commission must be commensurate with the costs incurred in	3	business, manufacturing, household use, or sewerage service.
4	administering the function for which the fee is charged	4	whether within the limits of municipalities, towns, and
5	EXCEPT_THOSE_EEES_SET_BY_EEDERAL_STATUTE.NO_EEE_SET_BYTHE	S	villages or elsewhere;
6	CONMISSION_MAY_EXCEED_\$500.	6	<pre>t6tfl telegraph or telephone service.</pre>
7	Saction 4. Section 9, Chapter 607, Laws of 1981, is	7	<pre>(2)Ibe_term_"public_utility"_does_not_include:</pre>
8	amended to read:	8	(s) "buixately ommed and obstated maters semets or
9	"Section 9. Effective date and-termination-date. This	à	combination_systems_that_do_not_serve_the_public:_or
10	act snall become effective on July 1, 1981. it-shall	10	(b)_county_or_consolidated_city_and_county_water_or
11	terminate-on-duly-ly-l903.	11	<pre>sewer_districts_as_defined_in_litle_lchapter_l3parts22</pre>
12	Section 5. Section 69-3-101, MCA, is amended to read:	12	and_23."
13	"59-3-101. Meaning of term "public utility". (1) The	13	Section 6. Section 69-3-204, MCA, is amended to read:
14	term "public utility", within the meaning of this chapter,	14	"59-3-204. Fees to be charged by commission. (1) The
15	shall embrace every corporation, both public and private,	15	public service commission shall may except as otherwise
16	company, individual, association of individuals, their	16	provided by law, require and receive fees before filing
17	lessees, trustees, or receivers appointed by any court	17	annual reports, schedules, applications, and supplements of
18	whatspever, that now or hereafter may own, operate, or	18	these-and-shall-requireandreceivefeesforcopiesof
19	control any plant or equipment, any part of a plant or	10	ordersydocumentsyelossificationsy-blank-formsy-and-other
20	equipment, or any water right within the state for the	20	instruments-pressred-by-it-or-on-file-in-its-officerunless
21	production, delivery, or furnishing for or to other persons,	21	<u>not</u> provided by law to be furnished free of charge , under
22	firms, associations, or corporations, private or municipal:	22	the-following-schedule:
23	(} ,	23	fa)filing-annual-reportsv-escheveveveveveveveve-5v00f
24	<pre>f2f(b) street-railwayservice;</pre>	24	{b}filing-rate-schedulesy-eschwawawawawawawa-2000t
25	tates light;	25	fetetassification-for-public-utititiesy-machwss-tw50t
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6 (3) This section does not require or authorize the 7 public service commission to collect fees for the filing of 8 annual reports, schedules, and supplements of these which 9 relate solely to interstate commerce."

Section 7. Section 69-3-304, NCA, is amended to read: 1.0 *69-3-304. Temporary approval of rate increases or 11 12 decruses. The commission may, in its discretion, 13 temporarily approve increases or decreases pending a hearing or final decision. If the final decision is to disapprove 14 the an increase, the commission shall may order a rebate to 15 15 all consumers for the amount collected retroactive to the date of the temporary approval. If the final decision is to 17 18 disapprove_a_decreases_the_commission_may_order_a_surphaces 19 to be oaid by all consumers for the amount not collected 20 cetroictive_to_the__date__of__the__temporary__approval___Ihe 21 commission may SHALL order interest to be paid on a rebate 22 or surcharge as determined by the commission. An order of the commission approving or denving a temporary rate 23 increase or decrease shall be BASED ON IDENTICAL STANDARDS 24 AND__SHALL_BE an intermediate agency action subject to 25

1 judicial review under the Montana Administrative Procedure
2 Act."

3 Section 9. Section 69-7-101. MCA. is amended to read: 4 "59-7-101. Municipal utilities -- regulation by 5 municipality -- limitation. A municipality has the power and 6 authority to regulate, establish, and change, as it 7 considers proper, rates, charges, and classifications 8 imposed for utility services to its inhabitants and other 9 persons served by municipal utility systems. Rates, charges. 10 and classifications shall be reasonable and just and, except 11 as provided in 69-7-102, they may not be raised to vield 12 more than a 12% increase in total annual revenues or. in the 13 case of mandated federal and state capital improvements. the increase may not exceed amounts necessary to meet the 14 15 requirements of bond indentures or loan agreements required 16 to finance the local government's share of the mandated 17 improvements. Annual revenues must be computed on any 18 consecutive__12_month_period_for_purposes_of_this_chapter." 19 Section 9. Section 69-7-102, MCA, is amended to read: 20 "59-7-102. Rate increases over maximum. (11) If a 21 municipal utility requires rate increases that yield an 22 increase in total revenues in excess of 12% in any one year or rate increases for mandated federal and state capital 23 24 improvements for which the increase exceeds amounts 25 necessary to meet the requirements of bond indentures or

loan agreements required to finance the local government's	1 not more than 30 days prior to the hearing to persons served
share of the mandated improvements, it must make application	2 by the utility. The notice shall-accompany-the-bill-for
for such increases to the public service commission.	3 services-of-that-utilityand must be mailed within the
<u>[2] If the public service commission issues a rate</u>	4 prescribed time period. This notice must contain an estimate
<u>order_approvingsuch_an_increases_the_municipality_may_not</u>	5 of the amount the customer's average monthly bill will
increase_any_rates_and_charges_under_this_chapter_within12	ô increase.
months_of_the_commission's_order_unless_an_increase_is	7 (4) The published notice must contain:
<pre>necessary_to_mest_the_requirementsofboodindenturesor</pre>	8 (a) the date, time, and place of the hearing;
loanagreementsrequired_to_finance_the_local_government_s	9 (b) a brief statement of the proposed action; and
<pre>share_for_mandated_federal_and_state_capitalimprovements."</pre>	10 (c) the address and telephone number of a person who
Section 10. Section 69-7-111, MCA, is amended to read:	11 may be contacted for further information regarding the
<pre>"69-7-111. Municipal rate hearing required notice.</pre>	12 hearing.
(1) If the governing body of a municipality considers it	13 (5) Notice of all hearings shall be mailed first
advisable to regulate, establish, or change rates, charges,	14 class, postage prepaid, to the Montana consumer counsel."
or classifications imposed on its customers, it shall order	15 Section 11. Section 69-12-311, MCA, is emended to
a hearing to be held before it at a time and place	16 read:
specified.	17 #69-12-311. Class A motor carrier certificate. (1) No
(2) Notice of the hearing shall be published in a	18 Class A motor carrier shall operate for the transportation
newspaper as provided in 7-1-4127.	19 of persons and/or property for hire on any public highway in
(3) (a) The notice shall be published three times with	20 this state without first having obtained from the
at least 6 days separating each publication. The first	21 commission, under the provisions of this chapter, a
publication may be no more than 28 days prior to the	22 certificate declaring that public convenience and necessity
hearing, and the last publication may be no less than 3 days	23 require such operation.
prior to the hearing.	24 (2) A motor carrier making application for such
(b) The notice must also be mailed at least 7 days and	25 certificate shall do so in writing, separately for each

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route, 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;

5 (b) the public highway or highways over which and the
6 fixed termini between which or the regular route or routes
7 over which it intends to operate;

6 (c) the kind of transportation, whether passenger, 9 freight, or both, together with a full and complete 10 description of the character of the vehicle or vehicles to 11 be used, including the seating capacity of any vehicle to be 12 used for passenger traffic and the tonnage capacity of any 13 vehicle to be used in freight traffic;

14 (d) the proposed time schedule;

(a) a schedule of the tariff or rates desired to be
charged for the transportation of freight and/or passengers;
(f) a complete and detailed description of the
property proposed to be devoted to the public service;

19 (g) a detailed statement showing the assets and 20 liabilities of such applicant; and

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

23 (3) Such application shall be accompanied by a filing
 24 fee af--4100-to--4300, to be set by <u>rule_of</u> the commission
 25 based-on-the-number-of-counties-for-which-the-certificate-is

1 requested."

2 Section 12. Section 69-12-312. MCA, is amended to 3 read:

4 #59-12-312. Class 8 motor carrier certificate. (1) No 5 Class d motor carrier shall operate for the transportation 5 of persons and/or property for hire on any public highway in 7 this state without first having obtained from the commission, under the provisions of this chapter, a 8 certificate that public convenience and necessity require 9 10 such operations.

11 (2) A motor carrier making application for such permit 12 shall do so in writing, separately for each locality for 13 which consideration is desired, which petition shall be 14 verified and shall specify the following matters:

15 (a) name and address of the applicant and the names15 and addresses of its officers, if any;

17 (b) the kind of transportation, whether passenger, 18 freight, or both, together with a full and complete 19 description of the character of the venicle or vehicles to 20 be used, including the seating capacity of any vehicle to be 21 used for passenger traffic and the tonnage capacity of any 22 vehicle to be used in freight traffic;

23 (c) the locality and character of operations to be24 conducted;

25 (1) a schedule of the tariff of rates desired to be

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(e) a complete and detailed description of the 2 property proposed to be devoted to the public service; 3 (f) a detailed statement showing the assets and 4 5 liabilities of such applicant; and 6 fal such other or additional information as the 7 commission may by order require. 8 (3) Such apolication shall be accompanied by a filing 9 fee sf--fige--to--figer to be set by rule_of the commission 10 based-on-the-number-of-counties-for-which-the-certificate-is 11 requested." 12 Section 13. Section 69-12-313, MCA, is amended to 13 read: "69-12-313. Class C motor carrier certificate. (1) No 14 15 Class C motor carrier, except any Class C motor carrier 16 operating pursuant to the terms and conditions of a contract 17 with-the-United-States-government-or-an-agency-or-department 18 thereof--or--of-a-contract-for-transporting-solid-waste-with 19 the-state-or-an-agency-or-department-thereof <u>as provided__in</u> 69-12-324, shall operate for the distribution, delivery, or 20 21 collection of goods, wares, merchandise, or commodities or for the transportation of persons on any public highway in 22 this state without first having obtained from the 23 commission, under the provisions of this chapter, a 24 25 certificate that public convenience and necessity require

charged for the transportation of freight and/or passengers;

1

such operation. 1 (2) A motor carrier making application for such permit 2 shall do so in writing, separately for each route or 3 4 locality for which consideration is desired, which petition shall be verified by the applicant and shall specify the 5 6 following matters: 7 (a) the name and address of the applicant and the 8 names and addresses of its officers, if any; (b) the public highways or highways over which and the 9 10 fixed termini between which or the route or routes over which it intends to operate, if the same are fixed, or the 11 particular city, town, station, or locality from and/or to 12 13 which the applicant intends to operate: (c) the kind of transportation and the character of 14 the goods. wares, merchandise, or commodities to be 15 distributed, delivered, or collected, together with a full 16 and complete description of the character of the vehicle or 17 vehicles, including the rated tonnage capacity of such 18 vehicles, to be used in such service of distribution. 19 delivery, or collection: and 20 (d) such other or additional information as the 21 commission may by order require. 22

23 (3) Such application shall be accompanied by a fee of
 24 \$100-to-\$300y to be set by <u>rule of</u> the commission based--on
 25 the---number--of--counties--for--which--the--eertificate--is

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1 requested.

(4) The submission of a Class C motor carrier 2 3 application must be accompanied by the names and addresses of any person, corporation, or other legal entity with whom 4 the applicant has executed a contract for the distribution, 5 delivery, or collection of wares, merchandise, or 6 commodities or transporting persons. Such contracts must be 7 in writing, executed by the parties and submitted to the R, 9 commission for examination."

10 Section 14. Section 69-12-321, MCA, is amended to 11 read:

#69-12-321. Hearing on application for motor carrier 12 certificate. (1) Upon the filing of such application by a 13 Class 4. Class 9. Class C, or Class D motor carrier, except 14 a Class C motor carrier authorized to operate under the 15 terms of a contract with-the-Wnited-States-government-for-an 16 agency--agr--department-thereoft as provided in 69-12-324, or 17 upon the filing of a request for a transfer of authority, 18 the commission shall give notice thereof to any interested 19 party. The commission shall fix a time and place for hearing Zn thereon whenever a protest or a request for a hearing is 21 received. The hearing is to be set for a date not later than 22 60 days after receipt of a protest or a hearing request by 23 the commission. Whenever no protests or hearing requests are 24 received, the commission may act on the application without 25

1 a hearing as prescribed by commission rules.

2 (2) Any motor carrier referred to in 69-12-322, the 3 department of highways, the governing board or boards of any 4 such county, town, or city into or through which the route 5 or service as proposed may extend, and any person or 6 corporation concerned are hereby declared to be interested 7 parties to the proceedings and may offer testimony for or 8 against the granting of the certificate.

9 (3) The contracting parties referred to in 10 69-12-313(4) must appear and offer testimony in support of 11 the applicant.

12 [4] However, an application by a Class A. Class 8. 13 Class C, or Class D motor carrier for a certificate may be 14 disallowed without a public hearing thereon when it appears 15 from the records of the commission that the route or 16 territory sought to be served by the applicant has 17 praviously been made the basis of a public investigation and 18 finding by the commission that public convenience and 19 necessity do not require the proposed motor carrier service unless it is made to affirmatively appear in the application 20 by a recital of the facts that conditions obtaining over the 21 22 route or in the territory and affecting transportation facilities therein have materially changed since said public 23 24 investigation and finding and that public convenience and 25 necessity do now require the motor carrier operation."

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1	Saction 15. Section 69-12-324, MCA, is amended to
2	read:
3	#69-12-324. Special provisions when federal ₁ or state ₁
4	<u>orlacalgovernment</u> contract involved. (1) The
5	transportationforhireofanypersonsorcommodities
6	between-any-twopointswithinthestatebyanymotor
7	carrierpursuant-to-the-terms-of-a-written-contract-between
8	said-carrier-and-the-United-States-government-oranagenty
9	ordepartmentthereoforthestateoranagencyor
10	department-thereof-for-thetransportationofsolidwaste
11	shallbedeemedatransportation-movement-subject-to-the
12	provisions-of-this-chaptery-Howevery-the-presentation-of-the
13	writtencontracttothecommissionshallbedeemed
14	sufficientproofofpublicconvenienceand-necessity-in
15	accordance-with-the-terms-andconditionscontainedwithin
16	theUnitedStates-government-or-state-contract* <u>Subject_tp</u>
17	the provisions of this sections a transportation movement is
18	considered_to_be:
19	(a)tbetransportationforbireofpersonsor
20	commodifiesbetweentwo_points_within_the_state_by_a_motor
21	<u>carriar_pursuant_to_the_terms_of_a_written_contractbetween</u>
22	the_carrier_and_the_United_States_government_or_an_agency_or
23	department_thereof:_or
24	<pre>(b)tbe_transportation_for_hire_of_solid_waste_between</pre>
25	twopointswithin_the_state_by_a_motor_carrier_pursuant_to

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1 the_tarms_of_a_writtep_contract_between_the_carrier_and_the 2 state__oovernment_or_an_agency_or_department_thereof_or_a 3 local_government_including_but_not_limited_to__cities__and 4 countiesa

(2) The Class C certificate of public convenience and 5 necessity issued pursuant to the terms and conditions of the 6 7 United States government or state or local government contract may be issued by the commission upon receipt of an 8 executed copy of the United States government or state or 9 local government contract. The certificate of public 10 11 convenience and necessity may be issued thereafter without 12 requiring the commission to fix a time and place for public 13 hearing.

14 (3) The certificate of public convenience and 15 necessity, issued pursuant to the terms of the United States government or state or local government contract, is 16 17 authorized only for the duration of the United States 18 government or state or local government contract concerned. 19 The certificate may be renewed for another definite term if the same motor carrier is the motor carrier authorized to 20 operate under the United States government or state or local 21 22 government contract.*

23 Section 16. Section 69-12-406, MCA, is amended to 24 read:

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■69-12-406. Restriction on transportation of certain

25

waste. No <u>Except as provided in 69-12-324. no</u> Class A, B, or
 C carrier will be authorized or permitted to transport
 ashes, trash, waste, refuse, rubbish, garbage, or organic
 and inorganic matter within the state."

5 Section 17. Section 69-12-421, NCA, is amended to 6 read:

#69-12-421. Annual fee for motor carriers. (1) Except 7 as provided in subsection (2), in addition to all of the я licenses, fees, or taxes imposed upon motor vehicles in this 9 state and in consideration of the use of the public highways 10 of this state, every motor carrier shall, at the time of the 11 issuance of a certificate and annually thereafter, on or 12 between Jenuery October 1 and the following January 15 31 of 13 each-calendar-year, pay to the public service commission of 14 Montana the--sum--of-sp a fee set by rule of the compission 15 for every motor vehicle operated by the carrier over or upon 16 17 the public highways of this state.

(2) (a) A motor carrier engaged in seasonal operations 18 only, where its operations do not extend continuously over a 19 period of not to exceed 6 months in any calendar year, shall 20 only be required to pay compensation and fees in a sum equal 21 to one-half of the compensation and fees herein provided. 22 (b) The compensation and fees herein imposed shall not 23 apply to motor vehicles maintained and used by a motor 24 carrier as standby or emergency equipment. The commission 25

shall have the power and it is hereby made its duty to
 determine what motor vehicles shall be classed as standby or
 emergency equipment."

Section 18. Section 69-12-423, MCA, is amended to
read:

*69-12-423. Fees to be charged by commission. (1) The 6 7 public service commission shell may, except as otherwise 8 provided by law, require and receive fees before filing annual reports, tariffs, schedules, applications, and 9 10 supplements of-these-and-shall-require-and-receive-fees--for 11 copies--of--ordersy-documentsy-classificationsy-blank-formsy 12 and-other-instruments-prepared-by--it--or--on--file--in--its 13 officey--unless not provided by law to be furnished free of chargey-under-the-following-schedulet 14 15 tb}--filing-toriffsy-time--schedulesy--ond--supplements 16 17 18 tct--for-issuing-certificates-of-public-convenience-and 19 necessity-to-motor-corriersy-cach-wwwwwwwwwwwwwwwww-s-2+08; td)--classification-for-motor-carriersy-cach-ww-3--w58t 20 21 tel--for--s--copy--of--the-rules-for-motor-carriers-and 27 blank-forms-of-ennual-reports-for-common-corriers-ser-cost. 23 (2) The commission shall require and receive an additional sum to be set by the commission to pay the cost 24

25 of publishing such notice as may be required by this

.

1	chapter.	1	NEW-SECTIONSection-20ExistingClassDcarrier
Z	(3) This section does not require or authorize the	2	rates-in-effects-The-ratesy-tollsyandchargesleviedby
3	public service commission to collect fees for the filing of	3	ElassDmotorcarriersthat-were-in-effect-on-danuery-ly
4	annual reports, tariffs, schedules, and supplements of these	4	1983y-are-the-tawful-rates,-tollsy-andchargesuntilthey
5	which relate solely to interstate commerce.	5	are-changedy-as-provided-in-Title-69y-chapter-12v
6	5ection~19wSection~~69-12-501wMCAwis-~amended ~-to	6	Section-22#Section69-22-502yMCAyisamendedto
۲	readt	7	read+
8	¥69-12-501;Rate-schedules-to-be-maintained; (1)-Every	8	#69-12-502#Prohibitiondeviationfromrate
9	Class-A<u>x</u> or-B<u>x-Bf-B</u> motor-carrier-holding-a-certificate-must	9	schedules. It-shall-be-unlawful-for-any-Elass-kz or-BzzdzzB
10	maintsin-on-file-with-the-commissionafullandcomplete	10	motor-corrier-to-chorgey-demandyreceiveyorcollectony
11	schedule-of-its-ratesy-foresy-chargesy-classificationsy-and	11	greater-or-less-ratey-chargey-or-fare-than-that-fixed-by-the
12	rulas-of-service-and-any-and-all-tariff-provisionsrelating	12	commission-for-the-transportation-service-provided=Khen
13	tosuchratesyforesy-chargesy-classificationsy-or-rulesu	13	#oximum-or-minimumroteshavebeenestablishedforsny
14	Every <u>Elassed-oc=Elass=B_mator_carriar</u> schedule-on-fileand	14	serviceprovidedbyany6lass6-motor-carriery-it-shall
15	approvedonNerch7y-1961y-shall-remain-in-full-force-and	15	likewise-be-unlewful-for-such-carriertochargevdemandv
16	effect-until-changed-or-modified-by-the-commission-or-by-the	16	receiverorcollectany-greater-compensation-or-rate-than
17	carrier-with-the-approval-of-the-commissions	17	that-established-for-the-service-by-anyapplicablemaximum
18	{2}No-changey-modificationy-alterationy-increaseyor	18	rateor-any-less-compensation-or-rate-than-that-established
19	decreasein-any-rates-faras-charges-classifications-or-rule	19	by-ony-opplicable-minimum-rotex-It-alsoshollbeunlawful
20	of-service-sho ll -be-mode-by-ony-motor-carrier-withoutfirst	20	foranyE lassAg or-B <u>g-or-B</u> motor-corrier-or-ony-Elass-E
21	obtainingtheapprovalofthe-commissionv-The-commission	21	motor-carrier-subject-to-moximum-or-minimum-rates-torefund
22	shall-prescribe-rules-providing-for-the-formondstyleof	22	or-remity-in-any-manner-or-by-any-devices-any-portion-of-the
23	allschedulesandtariffsandforthe-procedures-to-be	23	rates-fares-and-charges-required-to-be-collected-under-the
24	followedinfilingorpublishinganychangesor	24	sched aie-of-the-Elass-Ay or-B <u>y-pr-B</u> corrier-on-file-with-the
25	modifications-of-the-sames*	25	commission-or-under-the-maximum-or-minimum-rates-established

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1 hv-the-commission-for-the-Glass-G-corrier. 1 Section 19. Section 69-14-115, MCA, is amended to 2 2 3 read: 3 *69-14-115. Investigation, enforcement, and report 4 4 concerning railroad safety laws. (1) The commission shall 5 5 6 may: 6 (a) make inquiry into the observance by all railroads 7 7 within this state of the laws of the United States and of 8 8 Montana intended to safeguard the lives of the employees of 9 9 persons or corporations engaged in operating the same; 10 10 (b) lay complaint before the proper state or federal 11 11 officer, of any infraction of any of such laws; and 12 12 (c) prosecute before the proper court or tribunal any 13 13 14 person guilty of violation of the penal provisions thereof. 14 (2) The commission shall in the annual report required 15 15 by 2-7-102 set out what effort it has made to carry out the 16 16 provisions of this section, with the result thereof, and in 17 readt 17 detail what steps it has taken to prosecute any violations 18 18 of any such acts of which it has secured information. A copy 19 19 of this annual report shall be mailed to the secretary of 20 20 the department of transportation." 21 21 Section 20. Section 69-14-116, MCA, is amended to 22 22 23 read: 23

24 #69-14-116. General protection of health and safety on
25 railroads. (1) The commission shall-have-full-authority max:

(a) after notice and hearing, to make and enforce rules providing for the installation on and equipment of trains, cars, or engines with safety appliances and providing for sanitation and adequate shelter as it affects the health of all railroad employees, including but not limited to trainmen, enginemen, yardmen, maintenance-of-way employees, highway crossing watchmen, and clerical. platform, freight house, and express employees; and (b) to inspect the same and enforce regulations with regard thereto. (2) Such inspection, rules, and regulations to be from time to time coextensive with the requirements of and in conformity to the provisions of the acts of congress and rules and regulations of the interstate commerce commission and the department of transportation, as then effective." Section-24y--Section--69-14-202y--MGAy--+to--mmended--to =69-14-202w--Buty--to--furnish--shipping--and-passenger focilities, fl)-Every <u>No</u> persony-corporationy-or-association operating-a-railroad-in-the-state shall-maintain--and--staff which__mointaint__and__staffs facilities--for--shipment-and delivery-of-freight-and-shall-ship-and-deliver--freight--and accommodate which___ahina___and___delivera___freight___and

24 accompanded pessengersy_or_bothy in-at-feast-one--focations

25 preferably-the-county-seaty-in-each-county-through-which-the

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1	tine-of-the-railway-passes-and-at-any-point-upon-the-line-of
2	suchrailwaywherethereisecityoftownhaving-a
3	populations-according-to-the-lastfederalcensusyofnot
4	lessthan-1y000;-provi ded y-howevery-that-this-section-shall
5	not-require-the-maintenance-and-staffing-of-suchfacilities
6	tn anycountyoratanycityortowninwhich-such
7	facilities-were-not-maintained-and-staffed-on-duly-ly1969+
8	{2}Nothinginthissectionauthorizesthe
9	discontinuance-of <u>may_diacontinue-of_reporenotogenet</u> or
10	any <u>station</u> facilitypresentlyestablishedin-ony-city ,
11	town y-or-other-location-having-apopulationoflesstha n
12	ly800withoutahearingbeforethepublicservice
13	commission==ssprovided=by=iow="
14	<u>NEW_SECIION.</u> Section 21. Codification instruction.
15	Section 3 is intended to be codified as an integral part of

16 Title 69, chapter 1, part 1, and the provisions of Title 69,
17 chapter 1, part 1, apply to section 3.

18 <u>YEM_SECTION</u> Section 22. Effective date. This act is effective July 1, 1983.

-End-

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1	STATEMENT OF INTENT
z	SENATE BILL 436
3	Senate Business and Industry Committee
4	
5	4 statement of intent is required for Senate Bill 436
6	because it grants the Public Service Commission authority to
7	charge fees commensurate with costs.
8	The Legislature intends that the fees be set in an
9	amount sufficient to provide funds to administer the
10	function for which the fee is charged. Fees may not be set

11 so high as to generate revenue in excess of expenses.

THIRD READING

5B436

1	SENATE BILL NO. 436
z	INTRODUCED BY BLAYLOCK, HIMSL
3	BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT REESTABLISHING THE
6	PUBLIC SERVICE COMMISSION UNDER EXISTING STATUTORY AUTHORITY
7	AND RULES; REVISING PUBLIC SERVICE COMMISSION AUTHORITY;
8	PROVIDING FOR FEES COMMENSURATE WITH COSTS; MAKING TEMPORARY
9	MUNICIPAL REGULATORY AUTHORITY OVER UTILITIES PERMANENT;
10	EXENPTING PRIVATELY DWNED AND COUNTY WATER AND SEWER SYSTEMS
11	FROM PUBLIC SERVICE COMMISSION REGULATION; AUTHORIZING
12	TEMPORARY UTILITY RATE DECREASES; CLARIFYING TIME LIMITS ON
13	MUNICIPAL RATE INCREASES; MODIFYING MUNICIPAL RATE HEARING
14	NOTICE REQUIREMENTS; EXTENDING SPECIAL PROVISIONS RELATING
15	TO WASTE DISPOSAL TO LOCAL GOVERNMENTS; ESTABLISHING
16	RATEMAKING-AUTHORITY-OVER-ELASSDMOTOREXRRIERSI MAKING
17	RAILROAD SAFETY FUNCTIONS PERMISSIVE RATHER THAN MANDATORY;
18	DELETING-THE-REQUIREMENT-THAIRAILROADSSERVEALLEOUNTY
19	SEATSANDCITIESOVER10001 AMENDING SECTION 9: CHAPTER
20	607, LAWS OF 1981; AMENDING SECTIONS 2-8-103, 69-3-101,
21	69-3-204, 69-3-304, 69-7-101, 69-7-102, 69-7-111, 69-12-311
22	THROUGH 69-12-313, 69-12-321, 69-12-324, 69-12-406,
23	69-12-421, 69-12-423, 69-12-501,-69-12-502, 69-14-115, <u>AND</u>
24	69-14-116, AND-69-14-202, MCA; AND PROVIDING AN EFFECTIVE
25	DATE."

1	
2	WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
3	MCA, terminates the Public Service Commission and requires a
4	performance evaluation of the Commission by the 'Legislative
ş	Audit Committee; and
6	WHEREAS, as a result of the performance evaluation, the
7	Legislative Audit Committee recommends that the Public
8	Service Commission be reestablished.
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	<u>NEW_SECTION</u> . Section 1. Reestablishment. The public
12	service commission, department of public service regulation,
13	created by 69-1-102, is reestablished for 6 years pursuant
14	to 2-8-122, with existing statutory authority and rules.
15	Section 2. Section 2-8-103, MCA, is amended to read:
16	"2-8-103. Agencies to terminate. (1) The following
17	agencies shall terminate on July 1, 1979:
18	(a) board of abstractors, department of professional
19	and occupational licensing, created by 2-15-1643;
20	(b) board of real estate, department of professional
21	and occupational licensing, created by 2-15-1642;
22	(c) state board of warm air heating, ventilation, and
23	air conditioning, department of professional and
24	occupational licensing, created by 2-15-1656;

- 25 (d) board of institutions, department of institutions,
 - -2-

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1	created by 2-15-2303.	1	created by 2-15-1802;
Z	(2) The following agencies shall terminate on July 1,	2	(f) board of oil and gas conservation, department of
3	1981:	3	natural resources and conservation, created by 2-15-3303;
4	(a) board of athletics, department of professional and	4	(g) Montana outfitters* council, department of fish,
5	occupational licensing, created by 2-15-1661;	5	wildlife, and parks, created by 2-15-3403;
6	(b) board of massage therapists, department of	6	{h}publicservicecommissionydepartment-of-public
7	professional and occupational licensing, created by	7	service-regulationy-created-by-69-1-102#
8	2-15-1627;	8	<pre>title: board of water and wastewater operators.</pre>
9	(c) board of osteopathic physicians, department of	9	department of health and environmental sciences, created by
10	professional and occupational licensing, created by	10	2-15-2105;
11	2-15-1607;	11	<pre>fjt(i) board of water well contractors, department of</pre>
12	(d) board of podiatry examiners, department of	12	commerce, created by 2-15-1862.
13	professional and occupational licensing, created by	13	(4) The following agencies terminate on July 1, 1985:
14	2-15-1608†±	14	(a) the board of public accountants, department of
15	(3) The following units of state government shall	15	commerce, created by 2-15-1866;
16	terminate on July 1, 1983:	16	(b) the board of architects, department of commerce,
17	(a) board of aeronautics, department of commerce,	17	created by 2-15-1871;
18	created by 2-15-1812;	18	(c) state banking board, department of commerce,
19	(b) state board of hail insurance, department of	19	created by 2+15-1803;
20	agriculture, created by 2-15-3003;	20	(d) the state electrical board, department of
21	(c) board of horseracing, department of commerce,	21	commerce, created by 2-15-1874;
22	created by 2-15+1881;	22	(e) the board of professional engineers and land
23	<pre>(d) board of livestock, department of livestock,</pre>	23	surveyors, department of commerce, created by 2-15-1873;
24	created by 2-15-3102;	24	(f) office of commissioner of insurance and the
25	(e) board of milk controls department of commerce.	25	insurance department, state auditor's office, created by

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1	2-15-1902 and 2-15+1903;
2	(g) office of the securities commissioner, state
3	auditor's office, created by 2-15-1901;
4	(n) the board of landscape architects, department of
5	commerce, created by 2-15-1872;
6	(i) the board of county printing, department of
7	commerce, created by 2-15-1811;
8	(j) the board of plumbers, department of commerce,
9	created by 2-15-1875;
10	(k) board of physical therapy examiners, department of
11	commerce, created by 2-15-1858.
12	(5) The following agencles terminate on July 1, 1987:
13	(a) commission for human rights, department of labor
14	and industry, created by 2-15-1706;
15	(b) Montana state board of medical examiners,
16	department of commerce, created by 2~15-1841;
17	(c) board of dentistry, department of commerce,
18	created by 2-15-1842;
19	(d) board of pharmacists, department of commerce,
20	created by 2-15-1843;
21	(e) board of nursing, department of commerce, created
22	by 2-15-1844;
23	(f) board of nursing home administrators, department
24	of commerce, created by 2-15-1845;
25	(g) board of optometrists, department of commerce,

1	created	by	2-15-1846;	
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2 (h) board of chiropractors, department of commerce.
3 created by 2-15-1847;

4 (i) board of radiologic technologists, department of
5 commerce, created by 2-15-1848;

6 (j) board of speech pathologists and audiologists,
7 department of commerce, created by 2-15-1849;

8 (k) board of hearing aid dispensers, department of
 9 commerce, created by 2-15-1850;

(1) board of psychologists, department of commerce,
created by 2-15-1851;

12 (m) board of veterinarians, department of commerce,

13 created by 2-15-1852;

14 (n) board of morticians, department of commerce,
15 created by 2-15-1853;

16 (b) board of barbers, department of commerce, created 17 by 2-15-1856;

18 (p) board of cosmetologists, department of commerce,
19 created by 2-15-1857;

20 (q) board of sanitarians, department of commerce, 21 created by 2+15-1861;

22 (r) board of veterans' affairs, department of social

23 and rehabilitation services, created by 2-15-2202.

24 <u>(6) The following agency terminates July 1. 1989:</u>

25 <u>public_service_commissions_department_of_public_service</u>

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	1	ttill power in any form or by any agency;
i by the	2	<pre>f5tlel except as provided in chapter 7, water for</pre>
red in	3	business, manufacturing, household use, or severage service,
charged	4	whether within the limits of municipalities, towns, and
BYIHE	5	villages or elsewhere;
	6	tottl telegraph or telephone service.
981, is	7	<pre>(21Ibe_term_"public_utility"_does_oot_ioclude:</pre>
	8	[a]_privately_owned_and_operated_water+_sewer+_or
• This	9	combination_systems_that_do_not_serve_the_public:_or
it-shall	10	<pre>(b)county_orconsolidated_city_and_county_water_or</pre>
	11	<pre>sewer_districts_as_defined_in_litle_7.cbapter_13.parts22</pre>
o read:	12	and_23**
[1] The	13	Section 6. Section 69-3-204, MCA, is amended to read:
hapter,	14	#69-3-204. Fees to be charged by commission. (1) The
rivate.	15	public service commission shall may, except as otherwise
their	16	provided by law, require and receive fees before filing
y court	17	annual reports, schedules, applicationar and supplements of
te, or	18	these-and-sha ll-require-and-receivefeesforco piesof
lant or	19	ordersy-~documentsyclassificationsy-blank-formsy-and-other
or the	20	instruments-prepared-by-it-or-on-file-in-its-officeyunless
ersons,	21	not provided by law to be furnished free of charge r-under
icipal:	22	the-following-schedule+
	23	ta}-~filing-annual-reportsy-eachyvyyyyyyyyyyyyyyy
	24	{b}filing-rate-scheduless-eachwwwwwwwwwwwwwwwa-2x80;
	25	{c}classification-for-public-utilitiesy-each++-1+5 8 ;

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NEW_SECTION. Section 3. Fees. Each fee charged by the
 commission must be commensurate with the costs incurred in
 administering the function for which the fee is charged
 EXCEPT_THOSE_FEES_SET_BY_FEDERAL_STATUTE. NO_FEE_SET_BY_THE
 COMMISSION MAY_EXCEED_\$500.

7 Section 4. Section 9, Chapter 607, Laws of 1981, is 8 amended to read:

9 =Section 9. Effective date and-terminetion-date. This
10 act shall become effective on July 1, 1981. It-shall
11 terminate-on-daty-iy-1983.**

12 Section 5. Section 69-3-101, MCA, is amended to "69-3-101. Meaning of term "public utility". [13 term "public utility", within the meaning of this ch 14 15 shall embrace every corporation, both public and pr 16 company, individual, association of individuals, 17 lessees, trustees, or receivers appointed by any 18 whatsoever, that now or hereafter may own, operate 19 control any plant or equipment, any part of a pl 20 equipment, or any water right within the state fo 21 production, delivery, or furnishing for or to other pe 22 firms, associations, or corporations, private or muni-

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- 23 (11)(a) heat;
- 24 <u>(2)(b)</u> street-railway service;
- 25 <u>t3;(c)</u> light;

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tdt--for-blank-forms-of-annual-reports-for-utilities
 terreserve cost.
 (2) The commission shall require and receive an
 additional sum to be set by the commission to pay the cost
 of publishing notice as required by this chapter.

6 (3) This section does not require or authorize the 7 public service commission to collect fees for the filing of 8 annual reports, schedules, and supplements of these which 9 relate solely to interstate commerce.*

Section 7. Section 69-3-304, MCA, is amended to read: 10 #69-3-304. Temporary approval of rate increases or 11 decreases. The commission may, in its discretion, 12 temporarily approve increases or decreases pending a hearing 13 or final decision. If the final decision is to disapprove 14 the an increase, the commission shall may order a rebate to 15 all consumers for the amount collected retroactive to the 16 date of the temporary approval. If the final decision is to 17 18 disapprove_a_decrease. the commission_may_order_a__succharge to be paid by all consumers for the amount not collected 19 20 retroactive to the __date__of__the__temporary__approval___The compission mer SHALL order interest to be paid on a rebate 21 22 or surcharge as determined by the commission. An order of 23 the commission approving or denying a temporary rate increase or decrease shall be BASED ON __IDENTICAL__SIANDARDS 24 AND_SHALL_BE an intermediate agency action subject to 25

1 judicial review under the Montana Administrative Procedure 2 Act.ⁿ

3 Section 8. Section 69-7-101. NCA. is amended to read: 4 #69-7-101. Municipal utilities -- regulation by 5 municipality -- limitation. A municipality has the power and Ь authority to regulate, establish, and change, as it 7 considers proper, rates, charges, and classifications imposed for utility services to its inhabitants and other A 9 persons served by municipal utility systems. Rates, charges, 10 and classifications shall be reasonable and just and, except 11 as provided in 69-7-102, they may not be raised to vield 12 more than a 12% increase in total annual revenues or + in the 13 case of mandated federal and state capital improvements, the 14 increase may not exceed amounts necessary to meet the 15 requirements of bond indentures or loan agreements required to finance the local government's share of the mandated 16 improvements. Annual_revenues_must_be_computed_on_anv 17 18 consecutive__12=month__period_for_purposes_of_this_chapter." 19 Section 9+ Section 69-7-102+ MCA+ is amended to read: 20 *69-7-102. Rate increases over maximum. (1) If a 21 municipal utility requires rate increases that vield an 22 increase in total revenues in excess of 12% in any one year 23 or rate increases for mandated federal and state capital 24 improvements for which the increase exceeds amounts 25 necessary to meet the requirements of bond indentures or

1	loan agreements required to finance the local government's	1	not more than 30 days prior to the hearing to persons served
2	share of the mandated improvements, it must make application	2	by the utility. The notice shall-accompany-the-bill-for
3	for such increases to the public service commission.	3	services-of-that-utilityand must be mailed within the
4	[2]If_the_public_servicecommissionissuesarate	4	prescribed time period. This notice must contain an estimate
5	order_approving_such_an_increase.the_municipality_may_not	5	of the amount the customer's average monthly bill will
6	increase_auy_rates_and_charges_under_this_chapter_within12	6	increase.
7	<pre>wontos_of_the_commission's_order_unless_an_increase_is</pre>	7	(4) The published notice must contain:
8	necessary_to_meet_the_reguirements_ofbondindentures_or	8	(a) the date, time, and place of the hearing;
9	loanagreementsrequired_to_finance_the_local_government's	9	(b) a brief statement of the proposed action; and
10	sbare_for_mandated_federal_and_state_capitalimprovements."	10	(c) the address and telephone number of a person who
11	Section 10. Section 69-7+111, MCA, is amended to read:	11	may be contacted for further information regarding the
12	*69-7-111. Municipal rate hearing required notice.	12	hearing.
13	(1) If the governing body of a municipality considers it	13	(5) Notice of all hearings shall be mailed first
14	advisable to regulate, establish, or change rates, charges,	14	class, postage prepaid, to the Montana consumer counsel."
15	or classifications imposed on its customers, it shall order	15	Section 11. Section 69-12-311, MCA, is amended to
16	a hearing to be held before it at a time and place	16	read:
17	specified.	17	<pre>%69-12-311. Class A motor carrier certificate. (1) No</pre>
18	(2) Notice of the hearing shall be published in a	18	Class A motor carrier shall operate for the transportation
19	newspaper as provided in 7-1-4127.	19	of persons and/or property for hire on any public highway in
20	(3) (a) The notice shall be published three times with	20	this state without first having obtained from the
21	at least 6 days separating each publication. The first	21	commission, under the provisions of this chapter, a
22	publication may be no more than 28 days prior to the	22	certificate declaring that public convenience and necessity
23	hearing, and the last publication may be no less than 3 days	23	require such operation.
24	prior to the hearing.	24	(2) A motor carrier making application for such

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(b) The notice must also be mailed at least 7 days and

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certificate shall do so in writing, separately for each

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route, which petition shall be verified by the applicant and
 shall specify the following matters:

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

5 (b) the public highway or highways over which and the
6 fixed termini between which or the regular route or routes
7 over which it intends to operate;

8 (c) the kind of transportation, whether passenger,
9 freight, or both, together with a full and complete
10 description of the character of the vehicle or vehicles to
11 be used, including the seating capacity of any vehicle to be
12 used for passenger traffic and the tonnage capacity of any
13 vehicle to be used in freight traffic;

(d) the proposed time schedule;

14

(e) a schedule of the tariff or rates desired to be
charged for the transportation of freight and/or passengers;
(f) a complete and detailed description of the
property proposed to be devoted to the public service;

(g) a detailed statement showing the assets and
 liabilities of such applicant; and

21 (n) such other or additional information as the
 22 commission may by order require.

23 (3) Such application shall be accompanied by a filing
24 fee of--\$100-to--\$300y to be set by <u>rule of</u> the commission
25 bosed-on-the-number-of-counties-for-which-the-certificate-is

1 requested."

2 Section 12. Section 69-12-312, MCA, is amended to 3 read:

4 **69-12-312. Class B motor carrier certificate. (1) No
5 Class B motor carrier shall operate for the transportation
6 of persons and/or property for hire on any public highway in
7 this state without first having obtained from the
8 commission, under the provisions of this chapter, a
9 certificate that public convenience and necessity require
10 such operations.

11 (2) A motor carrier making application for such permit 12 shall do so in writing, separately for each locality for 13 which consideration is desired, which petition shall be 14 verified and shall specify the following matters:

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

17 (b) the kind of transportation, whether passenger, 18 freight, or both, together with a full and complete 19 description of the character of the vehicle or vehicles to 20 be used, including the seating capacity of any vehicle to be 21 used for passenger traffic and the tonnage capacity of any 22 vehicle to be used in freight traffic;

23 (c) the locality and character of operations to be 24 conducted;

25 (d) a schedule of the tariff of rates desired to be

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1	charged for the transportation of freight and/or passengers;	. 1	such operation.
z	(e) a complete and detailed description of the	2	(2) A motor carrier making application for such permit
3	property proposed to be devoted to the public service;	3	shall do so in writing, separately for each route or
4	(f) a detailed statement showing the assets and	4	locality for which consideration is desired, which petition
5	liabilities of such applicant; and	5	shall be verified by the applicant and shall specify the
6	(g) such other or additional information as the	6	following matters:
۲	commission may by order require.	7	(a) the name and address of the applicant and the
8	(3) Such application shall be accompanied by a filing	8	names and addresses of its officers, if any;
9	fee of\$100to\$300y to be set by <u>rule of</u> the commission	9	(b) the public highways or highways over which and the
10	based-on-the-number-of-counties-for-which-the-certificate-is	10	fixed termini between which or the route or routes over
11	requested."	11	which it intends to operate, if the same are fixed, or the
12	Section 13. Section 69-12-313, MCA, is amended to	12	particular city, town, station, or locality from and/or to
13	read:	13	which the applicant intends to operate;
14	"69-12-313。 Class C motor carrier certificate。(1) No	14	(c) the kind of transportation and the character of
15	Class C motor carrier, except any Class C motor carrier	15	the goods, wares, merchandise, or commodities to be
16	operating pursuant to the terms and conditions of a contract	16	distributed, delivered, or collected, together with a full
17	with-the-United-States-government-or-an-agency-or-department	17	and complete description of the character of the vehicle or
18	thereoforof-a-contract-for-transporting-soiid-waste-with	18	vehicles, including the rated tonnage capacity of such
19	the-state-or-an-agency-or-department-thereof <u>as_providedin</u>	19	venicles, to be used in such service of distribution,
20	69-12-324, shall operate for the distribution, delivery, or	20	delivery, or collection; and
21	collection of goods, wares, merchandise, or commodities or	21	(d) such other or additional information as the
22	for the transportation of persons on any public highway in	22	commission may by order require.
23	this state without first having obtained from the	23	(3) Such application shall be accompanied by a fee of
. 24	commission, under the provisions of this chapter, a	24	\$100-to-\$300y to be set by <u>rule_of</u> the commission basedon
25 🗤	certificate that public convenience and necessity require	25	thenumberofcountiesforwhichthecertifiesteis
	-15- SB 436		-16- SB 436

(4) The submission of a Class C motor carrier 2 3 application must be accompanied by the names and addresses of any person, corporation, or other legal entity with whom 4 the applicant has executed a contract for the distribution, 5 delivery, or collection of wares, merchandise, or 6 commodities or transporting persons. Such contracts must be 7 in writing, executed by the parties and submitted to the 8 9 commission for examination."

10 Section 14+ Section 69-12-321+ MCA+ is amended to 11 read:

#69-12-321. Hearing on application for motor carrier 12 certificate. (1) Upon the filing of such application by a 13 Class A. Class B. Class C. or Class D motor carrier, except 14 a Class C motor carrier authorized to operate under the 15 terms of a contract with-the-Vnited-States-government-for-on 16 agency--or--deportment-thereoft as provided in 69-12-324, or 17 upon the filing of a request for a transfer of authority, 18 the commission shall give notice thereof to any interested 19 narty. The commission shall fix a time and place for hearing 20 thereon whenever a protest or a request for a hearing is 21 received. The hearing is to be set for a date not later than 22 23 60 days after receipt of a protest or a hearing request by 24 the commission. Whenever no protests or hearing requests are received, the commission may act on the application without 25

1 a hearing as prescribed by commission rules.

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

9 (3) The contracting parties referred to in 10 69-12-313(4) must appear and offer testimony in support of 11 the applicant.

12 (4) However, an application by a Class A, Class B, 13 Class C, or Class D motor carrier for a certificate may be 14 disallowed without a public hearing thereon when it appears 15 from the records of the commission that the route or 16 territory sought to be served by the applicant has 17 previously been made the basis of a public investigation and 18 finding by the commission that public convenience and 19 necessity do not require the proposed motor carrier service 20 unless it is made to affirmatively appear in the application 21 by a recital of the facts that conditions obtaining over the 22 route or in the territory and affecting transportation 23 facilities therein have materially changed since said public 24 investigation and finding and that public convenience and 25 necessity do now require the motor carrier operation."

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-18-

1	Section 15. Section 69-12-324, NCA, is amended to	1	the carrier and the United States government or an agency or
2	read:	2	
3	*69-12-324. Special provisions when federals or states	_	department_thereofi_or
-		3	(b)the_transportation_for_bire_of_solid_waste_between
4	<u>orlocalgovernment</u> contract involved. (1) The	4	<u>two_points_within_the_state_by_a_motor_carrier_pursuant_to</u>
. 5	transportationforhireofanypersonsorcommodities	5	<u>the_terms_of_a_written_contract_between_the_carrier_andthe</u>
6	between-any-twopointswithinthestatebyanymotor	6	<u>stategovernment_or_an_agency_or_department_thereof_orms</u>
7	carrierpursuant-to-the-terms-of-a-written-contract-between	7	local_governmentv_locluding_but_not_limited_tociticaand
8	said-carrier-and-the-United-States-government-oranagency	8	couties.
9	ordeportmentthereoforthestateoranagencyor	9	(2) The Class C certificate of public convenience and
10	department-thereof-for-thetransportationofsolidweste	10	necessity issued pursuant to the terms and conditions of the
11	sha llbedee medatransportation-movement-subject-to-the	11	United States government or state <u>or=_local</u> <u>government</u>
12	provisions-of-this-chapters-Howevery-the-presentation-of-the	12	contract may be issued by the commission upon receipt of an
13	writtencontracttothecommissionshallbedeemed	13	executed copy of the United States government or state <u>or</u>
14	sufficientproofofpublicconvenienceand-necessity-in	14	local government contract. The certificate of public
15	accordance-with-the-terms-andconditionscontainedwithin	15	convenience and necessity may be issued thereafter without
16	theUnitedStatesgovernmentorstatecontracty IKE	16	requiring the commission to fix a time and place for public
17	PRESENIATION_DE_THE_WRITIEN_CONTRACT_TO_THE_COMMISSION_SHALL	17	hearing.
18	BEDEEMEDSUFFICIENIPRODEOEPUBLICCONVENIENCEAND	18	(3) The certificate of public convenience and
19	NECESSITY_IN_ACCORDANCE_WITH_THE_IERMS_AND_CONDITIONS	19	necessity, issued pursuant to the terms of the United States
20	CONTAINED_WITHIN_THE_UNITED_STATES_GOVERNMENT_DRSTATE BR	20	government or state <u>or local government</u> contract, is
21	LOCAL GOVERNMENT_CONTRACTS. Subject_to_tbe_provisions_of	21	authorized only for the duration of the United States
22	this section, a transportation movement is considered to be:	22	government or state <u>or-local government</u> contract concerned.
23	(a)_the_transportation_for_bireofpersonsor	23	The certificate may be renewed for another definite term if
24	<u>commoditiesbetweentwo_points_within_the_state_by_a_motor</u>	24	the same motor carrier is the motor carrier authorized to
25	carrier_pursuant_to_the_terms_of_a_written_contractbetween	25	operate under the United States government or state <u>er-local</u>
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1 government contract.*

2 Section 16. Section 69-12-406, MCA, is amended to 3 read:

4 #69-12-406. Restriction on transportation of certain 5 waste. No Except as provided in 69-12-324. no Class A, B, or 6 C carrier will be authorized or permitted to transport 7 ashes, trash, waste, refuse, rubbish, garbage, or organic 8 and inorganic matter within the state."

9 Section 17. Section 69-12-421, MCA, is amended to 10 read:

#69-12-421. Annual fee for motor carriers. (1) Except 11 12 as provided in subsection (2), in addition to all of the licenses, fees, or taxes imposed upon motor vehicles in this 13 state and in consideration of the use of the public highways 14 of this state, every motor carrier shall, at the time of the 15 issuance of a certificate and annually thereafter, on or 16 between Jenuary October 1 and the following January 15 31 of 17 18 each-estendar-year, pay to the public service commission of Montana the--sum--of-55 a fee set by rule of the commission 19 for every motor vehicle operated by the carrier over or upon 20 the public highways of this state. 21

(2) (a) A motor carrier engaged in seasonal operations
only, where its operations do not extend continuously over a
period of not to exceed 6 months in any calendar year, shall
only be required to pay compensation and fees in a sum equal

1 to one-half of the compensation and fees herein provided.

2 (b) The compensation and fees herein imposed shall not 3 apply to motor vehicles maintained and used by a motor 4 carrier as standby or emergency equipment. The commission 5 shall have the power and it is hereby made its duty to 6 determine what motor vehicles shall be classed as standby or 7 emergency equipment.^N

8 Section 18. Section 69-12-423, MCA, is amended to 9 read:

*69-12-423. Fees to be charged by commission. (1) The 10 11 public service commission shatt may, except as otherwise 12 provided by law, require and receive fees before filing 13 annual reports, tariffs, schedules, applications, and 14 supplements of-these-and-shall-require-and-receive-fees--for 15 copies--of--ordersy-documentsy-classificationsy-blank-formsy 16 and-other-instruments-prepared-by--it--or--on--file--in--its 17 officey--unless not provided by law to be furnished free of 18 charger-under-the-following-schedulet 19 tat--filing-annual-reportsy-each-yyyyyyyyyy-\$-5+80+ 20 tb}--filing-tariffsy-time--schedulesy--and--supplements 21 22 fet--for-issuing-certificates-of-public-convenience-and 23 necessity-to-motor-corriersy-coch-waysawawawawawawaw-5-2+00t 24 +d}--classification-for-motor-carriersy-each-wa-4--w58+ 25 fet--for--a--copy--of--the-rules-for-motor-carriers-and

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1	blank-forms-of-annual-reports-for-common-carfiers-***-cost.
2	(2) The commission shall require and receive an
3	additional sum to be set by the commission to pay the cost
4	of publishing such notice as may be required by this
5	chapter.
6	(3) This section does not require or authorize the
7	public service commission to collect fees for the filing of
8	annual reports, tariffs, schedules, and supplements of these
9	which relate solely to interstate commerce."
10	jection-19*Section69-12-501yHCAyisamendedto
11	read+
12	₹69-12-501#Rate~schedules-to-be-mointained∓ {l}-Every
13	Class-Ay or-B<u>y-or-B</u> motor-carrier-holding-a~certificate-must
14	maintain-on-file-with-the-commissionafullandcomplete
15	scheduleof-its-ratesy-faresy-chargesy-classificationsy-and
16	rules-of-service-and-any-and-all-tariff-provisionsrelating
17	tosuchratesyforesy-chargesy-classificationsy-or-rulesy
18	Every <u>Glass_ArgGlass_Bregtor_carrier</u> schedule-on-fileand
19	approredonHarch7y-1961y-shall-remain-in-full-force-and
20	effect-until-changed-or-modified-by-the-commission-or-by-the
21	earrier-with-the-approval-of-the-commission+
22	{}}-No-changey-modificationy-alterationy-increasey-or
23	decreasein-any-ratey-forey-chargey-elassificationy-or-rule
24	of-service-shell-be-made-by-any-motor-corrier-withoutfirst
25	obtainingtheapprovalofthe-commissionThe-commissio n

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1	shall-prescribe-rules-providing-for-the-formandstyleof
2	allschedulesandtariffsandfarthe-procedures-to-be
3	fottowedinfitingorpublishinganychangesor
4	modifications-of-the-some.
5	NEW-SECTION#Section-20*ExistingClassDcorrier
6	rates-in-effects-The-ratesy-tollsyandchargesleviedby
7	ClassDmotorcorriersthot-were-in-effect-on-January-1 *
8	1993y-are-the-lawful-ratesy-tollsy-andchargesuntilthey
9	are-changedy-as-provided-in-Title-69y-chapter-12+
10	5ection-21=Section69-12-582yMCAyisamendedto
11	read+
12	=69-12-502aProhibitiondeviationfromrate
13	scheduless it-shall-be-unlawful-for-any-class-ar or-Brigting
14	motor-carrier-to-chargey-demandyreceiveyorcollectany
15	greater-ar-tess-rater-charger-or-fare-than-that-fixed-by-the
16	commissionforthetransportation-service-providedWhen
17	noximum-or-minimumroteshavebeenestablishedforony
18	serviceprovidedbyany6tassE-matar-carriery-it-shott
19	likewise-be-unlawful-for-suchcarriertachargeydemandr
20	receiver-orcollectany-greater-compensation-or-rate-thom
21	that-established-for-the-service-by-anyapplicablemaximum
22	rateor-any-less-compensation-or-rate-than-that-established
23	by-any-appticable-minimum-rateit-alsoshallbeunlawful
24	forany6tassAz or-8 <u>y-or-8</u> motor-carrier-or-any-6tass-6
2 5	m otor-corrier-subject-to-moximum-or-minimum-rates-torefun d

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or-remity-in-any-manner-or-by-any-devicey-ony-portion-of-the
 rotesy-faresy-and-charges-required-to-be-collected-under-the
 schedule-of-the-Glass-Az or-Bz=gz=g carrier-on-file-with-the
 commission-or-under-the-maximum-or-minimum-rates-established
 by-the-commission-for-the-Glass-C-carriery*

6 Section 19. Section 69-14-115, MCA, is amended to 7 read:

8 *69-14-115. Investigation, enforcement, and report
 9 concerning railroad safety laws. (1) The commission shall
 10 may SHALL:

(a) make inquiry into the observance by all railroads
 within this state of the laws of the United States and of
 Montana intended to safeguard the lives of the employees of
 persons or corporations engaged in operating the same;

(b) lay complaint before the proper state or federal
officer, of any infraction of any of such laws; and

17 (c) prosecute before the proper court or tribunal any18 person guilty of violation of the penal provisions thereof.

19 (2) The commission shall in the annual report required 20 by 2-7-102 set out what effort it has made to carry out the 21 provisions of this section, with the result thereof, and in 22 detail what steps it has taken to prosecute any violations 23 of any such acts of which it has secured information. A copy 24 of this annual report shall be mailed to the secretary of 25 the department of transportation."

1 Section 20. Section 69-14-116, MCA, is amended to 2 read: 3 *69-14-116. General protection of health and safety on railroads. (1) The commission SHALL HAVE FULL AUTHORITY 4 shall-have-full-authority may: 5 6 (a) after notice and hearing, to make and enforce 7 rules providing for the installation on and equipment of 6 trains, cars, or engines with safety appliances and 9 providing for sanitation and adequate shelter as it affects 10 the health of all railroad employees, including but not 11 limited to trainmen, enginemen, yardmen, maintenance-of-way employees, highway crossing watchmen, and clerical, 12 13 platform, freight house, and express employees; and 14 (b) to inspect the same and enforce regulations with 15 regard thereto. 16 (2) Such inspection, rules, and regulations to be from 17 time to time coextensive with the requirements of and in conformity to the provisions of the acts of congress and 18 19 rules and regulations of the interstate commerce commission 20 and the department of transportation, as then effective." 21 Section-24---Section--69-14-202y--HEAy--is--amended--to 22 read+

23 #69-14-202*--Daty-to--furnish--shipping--and--possenger
 24 facilities* (1)-Every No persons-corporations-or-association
 25 operating--a--railroad-in-the-state shall-maintain-and-staff

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1	<u>which=maintaina==and==atoffs</u> facilitiesforshipmentand
2	deliveryoffreight-and-shall-shi p-and-deliver-freight-and
3	accommodate which:::ship:::ship:::datadtixer:::fraight:::and
4	accustedates passengers <u>repethr</u> in-at-least-ong-locationy
5	preferably-the-county-seaty-in-each-county-through-which-the
5	tine-of-the-raitway-passes-and-st-any-point-upon-the-tine-of
7	such-railwaywherethereisacityortownhovinga
8	populationyaccordingtothelast-federal-censusy-of-not
9	less-than-ly808;-providedy-howevery-that-this-sectionshall
10	notrequire-the-maintenance-and-steffing-of-such-facilities
11	in-enycountyoratanycityortowninwhichsuch
12	facilitieswere-not-maintained-and-staffed-on-duly-ly-1969*
13	{2}Nothinginthissectionauthorizesthe
14	discontinuanceof <u>maydiscoptinue_or_fsaors_any_asency_or</u>
15	any <u>station</u> facilitypresentlyestablishedinanycityv
16	townyorothertocationhaving-a-population-of-less-than
17	tv000withoutahearingbeforethepublicservice
18	comntsstony-as-provided-by-laws*

<u>YEH_SECTION</u> Section 21. Codification instruction.
 Section 3 is intended to be codified as an integral part of
 Title 69, chapter 1, part 1, and the provisions of Title 69,
 chapter 1, part 1, apply to section 3.

23 <u>NEW_SECTION</u>, Section 22. Effective date. This act is 24 effective July 1, 1983.

-End-

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STATE ADMINISTRATION COMMITTEE MARCH 23, 1983 SENATE BILL 436 1. Title, lines 16 and 17. Strike: "MAKING" on line 16 through ";" on line 17 2. Title, line 23. Following: "69-12-421," Insert: "AND" Strike: "69-14-115, AND" 3. Title, line 24. Strike: "69-14-116," Following: "PROVIDING" Strike: "AN" 4. Title, line 25. Strike: "DATE" Insert: "DATES" 5. Page 9, line 24. Strike: "ON IDENTICAL" Insert: "upon concistent" Following: "STANDARDS" Insert: "appropriate for the nature of the case pending" 6. Page 19, line 21. Following: "HOCAL" Insert: "or local" 7. Page 20, line 8. Following: "counties" Insert: "or a local government, including but not limited to cities and counties" 8. Page 20, line 11. Following: "tocat" Insert: "or local: 9. Page 20, line 14. Following: "<u>teeat</u>" Insert: "or local" 10: Page 20, line 20. Following: "local" Insert: "or local" 11. Page 20, line 22. Following: "tocat" Insert: "or local" 12. Page 20, line 25. Following: "tecat" Insert: "or local"

STATE ADMINISTRATION COMMITTEE MARCH 23, 1983 SENATE BILL 436

13. Page 25, line 6 through line 20 on page 26. Strike: sections 19 and 20 in their entirety Renumber: subsequent sections

14. Page 27, line 23.
Strike: "date"
Insert: "dates"
Following: "date."
Insert: "(1)"
Insert: "except for section 5"

15. Page 27.
Following: line 24
Insert: "(2) Section 5 is effective on passage and approval."

AND AS AMENDED BE CONCURRED IN

March 24, 1983

HOUSE COMMITTEE OF THE WHOLE AMENDMENTS TO SENATE BILL 436, THIRD READING COPY (BLUE) WITH HOUSE STATE ADMINISTRATION COMMITTEE AMENDMENTS OF March 23, 1983

Strike: State Administration Committee amendments 6 through 12

ADOPT

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1	STATEMENT OF INTENT
2	SENATE BILL 436
3	Senate Business and Industry Committee
4	
5	A statement of intent is required for Senate Bill 436
6	because it grants the Public Service Commission authority to
7	charge fees commensurate with costs.
8	The Legislature intends that the faces be set in an
9	amount sufficient to provide funds to administer the
10	function for which the fee is charged. Fees may not be set
11	so high as to generate revenue in excess of expenses.

REFERENCE BILL SB 436

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SENATE BILL ND. 436 1 2 INTRODUCED BY BLAYLOCK, HIMSL BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE 3 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT REESTABLISHING THE 6 PUBLIC SERVICE COMMISSION UNDER EXISTING STATUTORY AUTHORITY 7 AND RULES; REVISING PUBLIC SERVICE COMMISSION AUTHORITY; 8 PROVIDING FOR FEES COMMENSURATE WITH COSTS; MAKING TEMPORARY 9 MUNICIPAL REGULATORY AUTHORITY OVER UTILITIES PERMANENT; 10 EXEMPTING PRIVATELY OWNED AND COUNTY WATER AND SEWER SYSTEMS 11 FROM PUBLIC SERVICE COMMISSION REGULATION; AUTHORIZING 12 TEMPORARY UTILITY RATE DECREASES; CLARIFYING TIME LIMITS ON 13 MUNICIPAL RATE INCREASES; MODIFYING MUNICIPAL RATE HEARING NOTICE REQUIREMENTS; EXTENDING SPECIAL PROVISIONS RELATING 14 TO WASTE DISPOSAL TO LOCAL GOVERNMENTS: ESTABLISHING 15 RATENAKING-AUTHORITY-OVER-ELASS--D--MOTOR--EARKIERST MAKING 16 17 RAILAGAD~~SAFETY~FUNCTIONS-PERMISSIVE-RATHER-THAN-MANDATORY; 18 SEATS--AND--ETTES--OVER--1+000+ AMENDING SECTION 9, CHAPTER 19 607, LAWS OF 1981; AMENDING SECTIONS 2-8-103, 69-3-101, 20 69-3-204, 69-3-304, 69-7-101, 69-7-102, 69-7-111, 69-12-311 21 THROUGH 69-12-313, 69-12-321, 69-12-324, 69-12-406, 22 69-12-421, AND 69-12-423, 69-12-501+-69-12-502+ 69-14-115+ 23 24 25 EFFECTIVE BATE DATES."

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2	WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
3	MCA, terminates the Public Service Commission and requires a
4	performance evaluation of the Commission by the Legislative
5	Audit Committee; and
6	WHERFAS, as a result of the performance evaluation, the
7	Legislative Audit Committee recommends that the Public
8	Service Commission be reestablished.
9	
IJ	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MUNTANA:
11	<u>YEW_SECIION.</u> Section 1. Reestablishment. The public
12	service commission, department of public service regulation.
13	created by 69-1-102, is reestablished for 6 years pursuant
14	to 2-8-122, with existing statutory authority and rules.
15	Section 2. Section 2~8-103, MCA, is amended to read:
16	#2-8-103. Agencies to terminate. (1) The following
17	agencies shall terminate on July 1, 1979:
18	(a) board of abstracters, department of professional
19	and occupational licensing, created by 2-15-1643;
20	(o) board of real estate, department of professional
21	and occupational licensing, created by 2-15-1642;
22	(c) state board of warm air heating, ventilation, and
23	air conditioning, department of professional and
24	occupational licensing, created by 2+15-1656;
25	(a) board of institutions, department of institutions,

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1	created by 2-15-2303.	1	created by 2-15-1802;
z	(2) The following agencies shall terminate on July 1,	2	(f) board of oil and das conservation, department of
3	1981:	3	natural resources and conservation, created by 2-15-3303;
4	(a) board of athletics, department of professional and	4	(q) Montana outfitters" council, department of fish,
5	occupational licensing, created by 2-15-1661;	5	wildlife, and parks, created by 2-15-3403;
6	(b) board of massage therapists, department of	6	fntoupticservicecommissionydepartment-of-public
7	professional and occupational licensing, created by	7	service-regulationy-created-by-69-1-1824
8	2-15-1627;	B	<pre>fit/ini board of water and wastewater operators;</pre>
9	(c) board of osteopathic physicians, department of	9	department of health and environmental sciences, created by
10	professional and occupational licensing, created by	10	2-15-2105;
11	2-15-1607;	11	fitil board of water well contractors, department of
12	(d) board of podiatry examiners, department of	12	commerce, created by 2-15-1862.
13	professional and occupational licensing, created by	13	(4) The following agencies terminate on July 1, 1985:
14	2-15-1608+.	14	(a) the board of public accountants, department of
15	- (3) The following units of state government shall	15	commerce, created by 2-15-1866;
16	terminate on July 1, 1983:	16	(b) the board of architects, department of commerce,
. 17	(a) board of aeronautics, department of commerce,	17	created by 2-15-1871;
19	created by 2-15-1812;	18	(c) state banking board, department of commerce,
19	()) state board of hail insurance, department of	19	created by 2-15-1803;
zo	agriculture, created by 2-15-3003;	20	(d) the state electrical board, department of
21	(c) board of horseracing, department of commerce,	21	commerce, created by 2-15-1874;
22	created by 2-15-1881;	22	(e) the board of professional engineers and land
23	(d) board of livestock, department of livestock,	23	surveyors, department of commerce, created by 2-15-1873;
24	created by 2-15-3102;	24	(f) office of commissioner of insurance and the
25	(e) board of milk control, department of commerce,	25	insurance department, state auditor's office, created by
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2-15-1902 and 2-15-1903; 1 1 created by 2-15-1846; (q) office of the securities commissioner, state 2 2 (h) board of chiropractors, department of commerce. 3 auditor's office, created by 2-15-1901; 3 created by 2-15-1847; 4 (h) the board of landscape architects, department of 4 (i) board of radiologic technologists. department of 5 commerce, created by 2-15-1872; 5 commerce, created by 2-15-1848; (i) the board of county printing, department of 5 (j) board of speech pathologists and audiologists. 6 7 commerce, created by 2-15-1811; 7 department of commerce, created by 2-15-1849; 8 (i) the board of plumbers, department of commerce, в (k) board of hearing aid dispensers, department of created by 2-15-1875; 9 commerce, created by 2-15-1850; 9 (k) board of physical therapy examiners, department of 10 (1) board of psychologists, department of commerce, 10 11 created by 2-15-1851; 11 commerce, created by 2-15-1858. (5) The following agencies terminate on July 1, 1987: 12 12 (a) commission for human rights, department of labor 13 13 and industry, created by 2-15-1706; 14 14 (b) Montana state board of medical examiners, 15 15 16 department of commerce, created by 2-15-1841; 16 17 (c) board of dentistry, department of commerce, 17 created by 2-15-1842; 18 18 (d) board of pharmacists, department of commerce, 19 19 20 created by 2-15-1843; 20 21 (a) board of nursing, department of commerce, created 21 22 DV 2-15-1844; 22 23 (f) board of nursing home administrators, department 23 24 of commerce, created by 2-15-1845; 24 25 (g) board of optometrists, department of commerce, 25

(m) board of veterinarians, department of commerce, created by 2-15-1852; (n) board of morticians, department of commerce. created by 2-15-1853; (b) board of barbers, department of commerce, created by 2-15-1856; (a) board of cosmetologists, department of commerce. created by 2-15-1857; (q) board of sanitarians, department of commerce. created by 2-15-1861; (r) board of veterans' affairs, department of social and rehabilitation services, created by 2-15-2202.

161_The following_agency_terminates_July_1, 1989;

public_service_commission*_department_of_public_service

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4 administering the function for which the fee is charged 4 5 EXCEPT_THOSE_FEES_SET_BY_EEDERAL_STATUTE.NO_FEE_SET_BY__THE s COMMISSION_MAY_EXCEED_\$500+ 6 6 7 Section 4. Section 9, Chapter 607, Laws of 1981, is 7 8 amended to read: ۶ 9 "Section 9. Effective date and-termination-date. This ۵ 10 act shall become effective on July 1, 1981. He-snalt 10 11 terminate-on-July-ly-1983#" 11 12 Section 5. Section 69-3-101, MCA, is amended to read: 12 and 23, * 13 #69-3-101. Meaning of term "public utility". (1) The 13 14 term "public utility", within the meaning of this chapter. 14 shall embrace every corporation, both public and private, 15 15 company, individual, association of individuals, their 16 16 17 lessees, trustees, or receivers appointed by any court 17 18 whatspever, that now or hereafter may own, operate, or 18 control any plant or equipment, any part of a plant or 19 19 20 equipment, or any water right within the state for the 20 21 production, delivery, or furnishing for or to other persons, 21 22 firms, associations, or corporations, private or municipal: Z2 23 ftf[al heat; 23 24 t2+1b1 street-railway service; 24

25 **†3†(c)** light;

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regulation. created_by_69-1-102."

NEW_SECTION. Section 3. Fees. Each fee charged by the

commission must be commensurate with the costs incurred in

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(4)(d) power in any form or by any agency:

2 (5)(e) except as provided in chapter 7, water for
3 business, manufacturing, household use, or sewerage service,
4 whether within the limits of municipalities, towns, and
5 villages or elsewhere;

totifi telegraph or telephone service.

121_Ibe_term_public_utility_does_not_include:

(a)__privately_owned__and__operated__waters__sewers__or

9 combination_systems_that_do_not_serve_the_public:_or

0 (b)_county_or_consolidated_city_and_county_water_or

11 sever_districts_as_defined_in_Title_7+_chapter_13+_parts__22
12 and 23+*

- 4 fb}--filing-rate-schedulesy-eachyvyywyyyyyyyyyyyy
- 25 tet--classification-for-public-utilitiesy-sachwws-1w50t

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3 (2) The commission shall require and receive an
4 additional sum to be set by the commission to pay the cost
5 of publishing notice as required by this chapter.

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6 (3) This section does not require or authorize the 7 public service commission to collect fees for the filing of 8 annual reports, schedules, and supplements of these which 9 relate solely to interstate commerce."

10 Section 7. Section 69-3-304, MCA, is amended to read: 11 *69-3-304. Temporary approval of rate increases or 12 decreases. The commission may, in its discretion, 13 temporarily approve increases or decreases pending a hearing 14 or final decision. If the final decision is to disapprove the an increase, the commission shall may order a rebate to 15 16 all consumers for the amount collected retroactive to the 17 date of the temporary approval. If the final decision is to 19 disapprove_a_decreases_the_complission_may_order_a_surcharge 19 to be paid by all consumers for the amount not collected 20 retroactive_to_the__date__of__the__temporary__approval.__The 21 commission may SHALL order interest to be paid on a rebate 22 ur_surcharge_as_deterbined_by_the_commission. An order of the commission approving or denying a temporary rate 23 24 increase or decrease shall be BASED BN--IBENTIEAE UPON 25 CONSISTENT_STANDARDS_APPROPRIATS_FOR_THE_NATURE_DE_THE_CASE

<u>PENDING_AND_SHALL_BE</u> an intermediate agency action subject
 to judicial review under the Montana Administrative
 Procedure Act."

Section 8. Section 69-7-101, MCA, is amended to read: 4 *69-7-101. Municipal utilities -- regulation by 5 municipality -- limitation. A municipality has the power and 6 authority to regulate, establish, and change, as 7 i + 8 considers proper, rates, charges, and classifications 9 imposed for utility services to its inhabitants and other 10 persons served by municipal utility systems. Rates. charges. and classifications shall be reasonable and just and, except 11 12 as provided in 69-7-102, they may not be raised to yield 13 more than a 12% increase in total annual revenues or, in the 14 case of mandated federal and state capital improvements, the 15 increase may not exceed amounts necessary to meet the requirements of bond indentures or loan agreements required 16 to finance the local government's share of the mandated 17 18 improvements. Annual_revenues_must_be_computed_on_anv 19 consecutive_l2=synth_period_for_purposes_of__this__chapter.* 20 Section 9. Section 69+7-102. MCA. is amended to read: "69-7-102. Rate increases over maximum. (11 If a 21 22 municipal utility requires rate increases that yield an 23 increase in total revenues in excess of 12% in any one year or rate increases for mandated federal and state capital 24 25 improvements for which the increase exceeds amounts

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necessary to meet the requirements of bond indentures or
 loan agreements required to finance the local government's
 share of the mandated improvements, it must make application
 for such increases to the public service commission.

5 [2]__If__the__public__service_commission_issues_a_rate 6 order approving such an increases the municipality may not 7 increase_any_rates_and_charges_under_this_chapter_within_12 В months_of_the__commission:s_order_unless_an_increase_is 9 Decessary__to__weet__the__requirements_of_bond_indentures_or 10 loan_corcements_required_to_finance_the_local_covernment's 11 share__for_mandated_federal_and_state_capital_improvements.** 12 Section 10. Section 69-7-111. MCA. is amended to read: 13 #69-7-111. Municipal rate hearing required -- notice. (1) If the governing body of a municipality considers it 14 15 advisable to regulate, establish, or change rates, charges, or classifications imposed on its customers, it shall order 16 a hearing to be held before it at a time and place 17 18 specified.

19 (2) Notice of the hearing shall be published in a
20 newspaper as provided in 7-1-4127.

(3) (a) The notice shall be published three times with
at least 6 days separating each publication. The first
publication may be no more than 28 days prior to the
hearing, and the last publication may be no less than 3 days
prior to the hearing.

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1 (b) The notice must also be mailed at least 7 days and 2 not more than 30 days prior to the hearing to persons served 3 by the utility. The notice shalt--accompany--the--bill--for 4 services--of--that--utility--and must be mailed within the 5 prescribed time period. This notice must contain an estimate 6 of the amount the customer's average monthly bill will 7 increase.

(4) The published notice must contain:

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(a) the date, time, and place of the hearing;

10 (b) a brief statement of the proposed action; and

11 (c) the address and telephone number of a person who 12 may be contacted for further information regarding the 13 hearing.

14 (5) Notice of all hearings shall be mailed first
 15 class, postage prepaid, to the Montana consumer counsel."

16 Section 11. Section 69-12-312, MCA, is amended to 17 read:

18 "69-12-311. Class A motor carrier certificate. (1) No
19 Class A motor carrier shall operate for the transportation
20 of persons and/or property for hire on any public highway in
21 this state without first having obtained from the
22 commission, under the provisions of this chapter, a
23 certificate declaring that public convenience and necessity
24 require such operation.

25 (2) A motor carrier making application for such

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certificate shall do so in writing, separately for each
 route, 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;

6 (b) the public highway or highways over which and the
7 fixed termini between which or the regular route or routes
9 over which it intends to operate;

9 (c) the kind of transportation, whether passenger, 10 freight, or both, together with a full and complete 11 description of the character of the venicle or vehicles to 12 be used, including the seating capacity of any vehicle to be 13 used for passenger traffic and the tonnage capacity of any 14 vehicle to be used in freight traffic;

15 (d) the proposed time schedule;

(e) a schedule of the tariff or rates desired to be
charged for the transportation of freight and/or passengers;
(f) a complete and detailed description of the

19 property proposed to be devoted to the public service;

20 (9) a detailed statement showing the assets and21 liabilities of such applicant; and

(h) such other or additional information as thecommission may by order require.

24 (3) Such application shall be accompanied by a filing
25 fee of-\$100-to-\$300y to be set by <u>rule_of</u> the commission

based-on-the-number-of-counties-for-which-the-certificate-is
 requested.*

3 Section 12. Section 69-12-312, MCA, is amended to 4 read:

5 #39-12-312. Class B motor carrier certificate. (1) No 6 Class B motor carrier shall operate for the transportation 7 of persons and/or property for hire on any public highway in 8 this state without first having obtained from the 9 commission, under the provisions of this chapter, a 10 certificate that public convenience and necessity require 11 such operations.

12 (2) A motor carrier making application for such permit 13 shall do so in writing, separately for each locality for 14 which consideration is desired, which petition shall be 15 verified and shall specify the following matters:

16 (a) name and address of the applicant and the names17 and addresses of its officers, if any;

18 (b) the kind of transportation, whether passenger,
19 freight, or both, together with a full and complete
20 description of the character of the vehicle or vehicles to
21 be used, including the seating capacity of any vehicle to be
22 used for passenger traffic and the tonnage capacity of any
23 vehicle to be used in freight traffic;

24 (c) the locality and character of operations to be25 conducted;

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(d) a schedule of the tariff of rates desired to be
 charged for the transportation of freight and/or passengers;
 (e) a complete and detailed description of the

4 property proposed to be devoted to the public service;

5 (f) a detailed statement showing the assets and
6 liabilities of such applicant; and

7 (g) such other or additional information as the
8 commission may by order require.

9 (3) Such application shall be accompanied by a filing
 10 fee of-\$100-to-\$300y to be set by <u>rule_of</u> the commission
 11 based-on-the-number-of-counties-for-which-the-certificate-is
 12 requested.*

13 Section 13. Section 69-12+313, MCA, is amended to 14 read:

15 #69-12-313. Class C motor carrier certificate. (1) No 16 Class C motor carrier, except any Class C motor carrier 17 operating pursuant to the terms and conditions of a contract 13 with-the-United-States-government-or-an-agency-or-department 19 thereof-or-of-a-contract-for-transporting-solid--waste--with 20 the--state-or-an-agency-or-department-thereof <u>as provided in</u> 21 69-12-324, shall operate for the distribution, delivery, or 22 collection of goods, wares, merchandise, or commodities or 23 for the transportation of persons on any public highway in this state without first having obtained from the 24 commission, under the provisions of this chapter, a 25

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certificate that public convenience and necessity require
 such operation.

3 (2) A motor carrier making application for such permit 4 shall do so in writing, separately for each route or 5 locality for which consideration is desired, which petition 6 shall be verified by the applicant and shall specify the 7 following matters:

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

10 (b) the public highways or highways over which and the 11 fixed termini between which or the route or routes over 12 which it intends to operate, if the same are fixed, or the 13 particular city, town, station, or locality from and/or to 14 which the applicant intends to operate;

15 (c) the kind of transportation and the character of 16 the goods, wares, merchandise, or commodities to be 17 distributed, delivered, or collected, together with a full 18 and complete description of the character of the vehicle or 19 vehicles, including the rated tonnage capacity of such 20 vehicles, to be used in such service of distribution, 21 delivery, or collection; and

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

24 (3) Such application shall be accompanied by a fee of
 25 \$100--to--\$300, to be set by <u>rule of</u> the commission besed-on

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the--number--of--counties--for--which--the--certificate---is requested.

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(4) The submission of a Class C motor carrier 3 application must be accompanied by the names and addresses 4 5 of any person, corporation, or other legal entity with whom 6 the applicant has executed a contract for the distribution, 7 delivery, or collection of wares, merchandise, or commodities or transporting persons. Such contracts must be 8 9 in writing, executed by the parties and submitted to the commission for examination.* 10

11 Section 14. Section 69-12-321, MCA, is amended to 12 read:

13 "69-12-321. Hearing on application for motor carrier 14 certificate. (1) Upon the filing of such application by a 15 Class 4. Class P. Class C. or Class D motor carrier. except 16 a Class C motor carrier authorized to operate under the 17 terms of a contract with-the-United-States-government-for-on 18 agency-or-department-thereofy as provided in 69-12-324+ or 19 upon the filing of a request for a transfer of authority, 20 the commission shall give notice thereof to any interested party. The commission shall fix a time and place for hearing 21 thereon whenever a protest or a request for a hearing is 22 23 received. The hearing is to be set for a date not later than 60 days after receipt of a protest or a hearing request by 24 25 the commission. Whenever no protests or hearing requests are received, the commission may act on the application without
 a hearing as prescribed by commission rules.

3 (2) Any motor carrier referred to in 69-12-322, the 4 department of highways, the governing board or boards of any 5 such county, town, or city into or through which the route 6 or service as proposed may extend, and any person or 7 corporation concerned are hereby declared to be interested 8 parties to the proceedings and may offer testimony for or 9 against the granting of the certificate.

10 (3) The contracting parties referred to in
11 69-12-313(4) must appear and offer testimony in support of
12 the applicant.

13 (4) However, an application by a Class A. Class B. 14 Class C, or Class D motor carrier for a certificate may be 15 disallowed without a public hearing thereon when it appears 16 from the records of the commission that the route or 17 territory sought to be served by the applicant has 18 previously been made the basis of a public investigation and 19 finding by the commission that public convenience and 20 necessity do not require the proposed motor carrier service 21 unless it is made to affirmatively appear in the application 22 by a recital of the facts that conditions obtaining over the 23 route or in the territory and affecting transportation facilities therein have materially changed since said nublic 24 investigation and finding and that public convenience and 25

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necessity do now require the motor carrier operation."
 Section 15. Section 69-12-324, MCA, is amended to
 read:

"59-12-324. Special provisions when federals or states 4 or local government contract involved. (1) The 5 transportation--for--hire--of--any--persons--or--commodities ٨ 7 between--env--two---ootnts--within--the--state--by-any-motor earrier-pursuant-to-the-terms-of-p-written-contract--between 8 9 said--corrier--and-the-Vnited-States-dovernment-or-an-agency or--desartment--thereof--or--the--state--or--on--agency---or 10 11 department--thereof--for--the--transportation-of-solid-waste 12 shall-be-deemed-s-transportation--movement--subject--to--the 13 provisions-of-this-chaptery-Howevery-the-presentation-of-the 14 written-~~controct---to---the--commission--shail--be--degmed 15 sufficient-proof-of--nublic--convenience--ond--necessity--in 16 accordance--with--the--terms-and-conditions-contained-within 17 PRESENTATION.DE. THE WRITTEN, CONTRACT TO THE COMMISSION, SHALL 18 19 AE___DEENED__SUFFICIENT__PROOF__DE__PUBLIC__CONVENIENCE__AND **Z**0 NECESSITY_IN_ACCORDANCE_WITH_THE_TERMS_AND_CONDITIONS 21 CONTAINED__WITHIN__THE__UNITED_STATES_GOVERNMENT_OR_STATE OR 22 LOCAL OR LAGAL GOVERNMENI_CONTRACTS. Subject.__to___the 23 provisions_of_this_section__a_transportation_movement_is 24 considered_to_bei

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(a)_the_transportation_for_bire_of_persons_or

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1 composities_between_two_points_within_the_state_by_a_motor 2 carrier_pursuant_to_the_terms_of_a_written_contract__between а. the carrier and the United States government or an agency or 4 department_thereofi_or 5 (b)_the transportation for hire_of_solid_waste_between 6 two_points_within the state by a motor carrier pursuant_to 7 the_terms of a written_contract_between_the_carrier_and__the state government or an agency or department thereof era tocal-novernmenty-including-bat-not-limitedarte-citicarcand o 10 CONDICE BREATLOCAL CONTRANTS TALENDER BUT NOT LINET FOR THE 11 ETTTES-AND-COUNTIES.

12 (2) The Class C certificate of public convenience and 13 necessity issued pursuant to the terms and conditions of the 14 United States government or state or state of the states o 15 <u>covernment</u> contract may be issued by the commission upon 16 receipt of an executed copy of the United States government 17 or state or-local ga-tuest covernment contract. The 18 certificate of public convenience and necessity may be 19 issued thereafter without requiring the commission to fix a 20 time and place for public hearing.

(3) The certificate of public convenience and
necessity, issued pursuant to the terms of the United States
government or state <u>orclocal OR_EDGAt</u> government contract,
is authorized only for the duration of the United States
government or state <u>orclocal OR_EDGAt</u> government contract,

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concerned. The certificate may be renewed for another definite term if the same motor carrier is the motor carrier

3 authorized to operate under the United States government or 4 state or-local OR-LOCAL government contract."

5 Section 16. Section 69-12-406. MCA, is amended to 6 read:

7 "69-12-406. Restriction on transportation of certain 8 waste. No <u>Except_as_provided_in_69=12=326. no</u> Class A, B, or 9 C carrier will be authorized or permitted to transport 10 ashes, trash, waste, refuse, rubbish, garbage, or organic 11 and inorganic matter within the state."

12 Section 17. Section 69-12-421, MCA, is amended to 13 read:

#69-12-421. Annual fee for motor carriers. (1) Except 14 as provided in subsection (2), in addition to all of the 15 licenses, fees, or taxes imposed upon motor vehicles in this 16 state and in consideration of the use of the public highways 17 of this state, every motor carrier shall, at the time of the 18 issuance of a certificate and annually thereafter, on or 19 between January Uctober 1 and the following January 15 31 of 20 each-calendar-year, pay to the public service commission of 21 Montana the--sum--of-\$5 a fee set by rule of the commission 27 for every motor vehicle operated by the carrier over or upon 23 24 the public highways of this state.

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(2) (a) A motor carrier engaged in seasonal operations

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Ł only, where its operations do not extend continuously over a 2 period of not to exceed 6 months in any calendar year, shall 3 only be required to pay compensation and fees in a sum equal 4 to one-half of the compensation and fees herein provided. 5 (b) The compensation and fees herein imposed shall not 6 apply to motor vehicles maintained and used by a motor 7 carrier as standby or emergency equipment. The commission В shall have the power and it is hereby made its duty to 9 determine what motor vehicles shall be classed as standby or emergency equipment." 10 11 Section 18. Section 69-12-423. MCA. is amended to 12 read: 13 "69-12-423. Fees to be charged by commission. (1) The 14 public service commission shott may, except as otherwise 15 provided by law. require and receive fees before filing

16 annual reports, tariffs, schedules, <u>applications</u>, and 17 supplements of-these-and-shall-require-and-receive-fees--for

18 copies--of--ordersy-documentsy-classificationsy-blank-formsy

19 and-other-instruments-prepared-by--it--or--on--file--in--its

20 officer-unless not provided by law to be furnished free of

- 21 charge+-under-the-following-schedule+
- 23 tbj--filing-tariffsy-time--schedulesy--and--supplements
- 25 fet--for-issuing-certificates-of-public-convenience-and

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1 necessity-to-motof-caffietsy-each-assessessessessessesses-\$-2+80t · 2 tet--for--a--copy--af--the-rules-for-motor-corriers-and 3 blonk-forms-of-annual-reports-for-common-caffiers-v--cost. 4 (2) The commission shall require and receive an 5 additional sum to be set by the commission to pay the cost 6 of publishing such notice as may be required by this 7 8 chapter. 9 (3) This section does not require or authorize the 10 public service commission to collect fees for the filing of 11 annual reports, tariffs, schedules, and supplements of these 12 which relate solely to interstate commerce."

13 Section-19w-Section-69-12-501y-MCAy--is-amended-to 14 read+

15 469-12-581#-~Rote-schedules-to-be-maintained# (1)-Every 16 Elass-la or-B<u>r-or-D</u> motor-carrier-holding-a-certificate-must 17 maintainen-file-with-the-commission-a--full--and--eamplete 18 schedule--of-its-ratesy-faresy-chargesy-elassificationsy-and 19 rules-of-service-and-any-and-alt-tariff-provisions--relating 20 to--such--ratesy--faresy-chargesy-classificationsy-or-rules= 21 Every <u>Elassianor-ElassiBimotor-corrier</u> schedule-on-file--and 22 spprored--en--Merch--7v-1961v-shait-remain-in-full-force-and 23 effect-until-changed-or-modified-by-the-commission-or-by-the 24 carrier-with-the-approval-of-the-commission* 25 t2]--No-changey-modificationy-alterationy-increasey--or

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1	decreasein-any-ratey-fares-charges-classifications-or-rule
2	of-service-shall-be-made-by-any-motor-carrier-without-first
3	obtainingtheapprovalofthe-commission-The-commission
4	shall-prescribe-rules-providing-for-the-formandstvleof
5	allschedulesandtariffsandforthe-procedures-to-be
6	followedinfilingorpublishingonychangesor
7	modifications-of-the-somew"
Ŗ	NEW-SEETIONSection-20*ExistingElassOcorrier
9	rates-in-effects-The-ratesy-tollsyandchargesleviedby
10	Etass8motorcarriersthat-were-in-effect-on-damaary-ty
11	1983y-are-the-lawful-ratesý-tollsy-andchargesuntilthey
12	are-changedy-as-provided-in-Title-69y-chapter-12=
13	Section-21*Section69-12-582*KE*yisomendedto
14	read+
15	=69-12-582*Prohibitiondevictionfromrate
16	schedulesv It-shall-be-unlawful-for-any-Elass-Az of-8 <u>x:pr</u> :B
17	motor-carrier-to-chargey-demondyreceiveyorcollectany
18	greater-or-less-ratey-chargey-or-fare-than-that-fixed-by-the
19	commissionforthetransportation-service-providedWhen
20	maximum-or-minimumrateshavebeenestablishedforany.
Z 1	serviceprovidedbyanyClassC-motor-carriery-it-shall
22	tikewise-be-untawfut-for-suchcarriertochargeydemandy
23	receiverorcollectany-greater-compensation-or-rate-than
24	that-established-for-the-service-by-anyapplicablemaximum
25	ratear-any-less-compensation-or-rate-thon-that-established

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1	by-any-applicable-minimum-rates-it-alsoshallbeunlawful
z	for anyClassAg or-B <u>y:2258</u> motor-carrier-or-any-Class-C
3	motor-corrier-subject-to-moximum-or-minimum-rotes-torefund
4	or-remity-in-any-manner-or-by-any-devicey-any-portion-of-the
5	ratesy-faresy-and-charges-required-to-be-collected-under-the
6	schedule-of-the-Elass-Ay or-By <u>cor-D</u> carrier-on-file-with-the
7	commission-or-under-the-moximum-or-minimum-rates-established
8	by-the-commission-for-the-Elass-E-corrier="
9	Section-19wSection69-14-115wHGAyisamendedto
10	readt
11	=69-24-225wInvestigationwenforcementwandreport
12	concerningraitroadsafety-tawsvtt}-The-commission-shalt
13	Dar Stätt*
14	tajmake-inquiry-inta-the-observance-by-allraiiroads
15	withinthisstateof-the-laws-of-the-United-States-and-of
16	Yontona-intended-to-safeguard-the-lives-of-the-employeesof
17	persons-or-corporations-engaged-in-operating-the-same;
19	{b}laycomplaintbefore-the-proper-state-or-federal
19	officery-of-any-infraction-of-any-of-sucn-lawss-and
20	{c}-prosecute-before-the-proper-court-or-tribunalany
21	personguilty-of-violation-of-the-penal-provisions-thereof*
22	t2tThe-commission-shail-in-the-annual-report-required
23	by-2-7-182-set-out-what-effort-it-has-made-to-carry-outthe
24	provisionsof-this-sectiony-with-the-result-thereofy-and-in
25	detail-whot-steps-it-has-taken-to-prosecuteanyviolations

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1	of-any-such-acts-of-which-it-has-secured-informationw-A-copy
2	ofthisannualreport-shall-be-mailed-to-the-secretary-of
3	the-department-of-transportation."
4	Section-28wSection69-14-116wMEAyisamendedto
5	reads
6	*69-14-116seneral-protection-of-nealth-and-safety-on
7	raitroadsw(t)Thecommission <u>SHALL-HAYE-FULL-AUINORIIY</u>
8	shall-have-full-authority mgy+
9	fajafter-notice-andhearingytomakeandenforce
10	ru les-pravi dingfortheinsta l ation-on-and-equipment-of
11	troinsy-carsyorengineswithsafetyappliancesand
12	providingfor-sanitation-and-adequate-sheiter-as-it-affects
13	the-health-of-sllrailroademployeesyincludingbutnot
14	timitedto-trainmeny-enginemeny-yardmeny-maintenance-of-way
15	emptoyeesyhighwaycrossingwatchmenyandctericaty
16	platformy-freight-housey-and-express-employeest-and
17	tb)toinspectthe-some-ond-enforce-regulationo-with
19	regard-theretow
19	t2;Such-inspectiony-rulesy-and-regulations-to-be-from
20	time-to-time-coextensive-with-therequirementsofandin
21	conformitytotheprovisionsof-the-acts-of-congress-and
22	rules-and-regulations-of-the-interstate-commercecommission
23	and-the-department-of-transportationy-as-then-effective."
24	Section-24sSection69-14-202s4Etstsamendedto
25	readt

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3

1	#69-14-202*Buty-tofurnishshippingandpassenger
z	facilities. (1)-Every M2 person-corporation-or-association
3	operatingsrailroad-in-the-state shall-maintain-and-staff
4	which_mainipingandataffs facilitiesforshipmentand
5	de livery-offreight-and-shall-ship-and-deliver-freight -and
6	accommodate mbicharabiparrandarradeliveraarrafreightarrand
7	<u>accompodates</u> possengers <u>roctboth</u> r in-at-least-one-locations
8	preferably-the-county-scoty-in-each-county-through-which-the
9	line-of-the-railway-passes-and-at-any-point-upon-the-line-of
10	such-ratiwaywherethareisacityortownhavinga
11	populationaccordingtothelast-federal-census-af-nat
1.2	less-than-ly800;-providedy-howevery-that-this-sectionshall
13	notrequire-the-maintenance-and-staffing-of-such-facilities
14	in-onycountyoratanycityortowninwhichsuch
15	facilitieswere-not-maintained-and-staffed-on-duly-ly-l969*
16	{2}Nothinginthissectionouthorizesthe
17	discontinuanceof <u>maydiscontinue-or-repaye-any-agency-or</u>
18	ony <u>station</u> facilitypresentlyestablishedinanycityy
19	town=-ofotherlocationhaving-a-population-of-less-than
20	1y800withoutahearingbeforethepublicservice
21	commissiony-as-provided-by-laws=
22	<u>NEW_SECTION.</u> Section 19. Codification instruction.
23	Section 3 is intended to be codified as an integral part of

25 chapter 1, part 1, apply to section 3.

24

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Title 69, chapter 1, part 1, and the provisions of Title 69,

 I
 It SECTION: Section 20. Effective date DATES. (1)

 2
 This act: EXCEPT FOR SECTION 5: is effective July 1. 1983.

(21__SECTION_5_IS_EFFECTIVE_ON_PASSAGE_AND_APPROVAL.

-End-

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