

SENATE BILL NO. 113

1/15 Introduced  
1/15 Referred to Highways & Transportation  
1/16 Fiscal Note Requested  
1/17 Fiscal Note Received  
1/24 Hearing  
2/22 Minor Committee Report Not Adopted  
2/22 Major Committee Report Adopted  
2/22 Adverse Committee Report  
2/22 Bill Killed

1 Senate BILL NO. 113  
2 INTRODUCED BY Stary

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR APPEAL TO  
5 THE HIGHWAY COMMISSION OF HIGHWAY DEPARTMENT DECISIONS;  
6 AMENDING SECTION 60-2-101, MCA; AND PROVIDING AN EFFECTIVE  
7 DATE."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 60-2-101, MCA, is amended to read:  
11 "60-2-101. Meetings. The highway commission shall meet  
12 at least once each month for the purpose of transacting  
13 business and whenever necessary to hear an appeal of a  
14 department decision under [section 2]."

15 NEW SECTION. Section 2. Hearing on appeal of  
16 department decision. (1) An affected person may appeal a  
17 decision of the department to the commission on the grounds  
18 that the decision is unfair or otherwise objectionable and  
19 has resulted or would result in unnecessary inconvenience or  
20 harm to one or more members of the public. The appeal must  
21 be taken by addressing a written request for a hearing to  
22 the department. The request must be received by the  
23 department within 30 days after the department decision that  
24 is the subject of the appeal. The commission shall, upon  
25 receipt by the department of a request for a hearing, give

1 the person requesting the hearing prompt notice and  
2 opportunity for a fair hearing.

3 (2) Department decisions appealable under subsection  
4 (1) include but are not limited to a decision or order  
5 rendered in a contested case as defined in 2-4-102 or a  
6 declaratory ruling of the department rendered pursuant to  
7 Title 2, chapter 4, part 5.

8 (3) The commission shall adopt rules to provide  
9 procedures for a prompt and fair hearing under this section.

10 (4) The decision of the commission in a hearing under  
11 this section is a final agency decision.

12 NEW SECTION. Section 3. Codification instruction.  
13 Section 2 is intended to be codified as an integral part of  
14 Title 60, chapter 2, part 1, and the provisions of Title 60  
15 apply to section 2.

16 NEW SECTION. Section 4. Effective date. Subsection  
17 (3) of section 2 and this section are effective on passage  
18 and approval.

-End-



STATE OF MONTANA  
FISCAL NOTE

REQUEST NO. FNN 110-85

Form BD-15

In compliance with a written request received January 16, 19 85, there is hereby submitted a Fiscal Note for S.B. 113 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

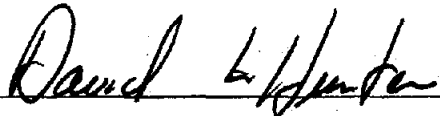
An act providing for appeal to the Highway Commission of the Highway Department decisions, amending Section 60-2-101, MCA, and providing an effective date.

ASSUMPTIONS:

The Highway Commission is required by Section 60-2-101, MCA, to meet monthly which would enable it to meet the amended requirement to hear an appeal of a department decision within 30 days whenever necessary.

FISCAL IMPACT:

None.

  
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BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: JAN 17 1985

SB 113