

FILED JAN 25 1971

Committee 1/25, Pass per amend. 2/4
House " 2/16, Pass 4/15

SENATE FILE 89

By NEU, CURRAN, and THORSEN
(Shaw, Drake, and Fisher
of Greene)

Passed Senate, Date 2-15-71 Passed House, Date 5-24-71

Vote: Ayes 41 Nays 0 Vote: Ayes 85 Nays 0

Approved June 4, 1971

Passed Senate as amended by House

5-26-71
ayes 47, nays 0

A BILL FOR

1 An Act relating to the issuance of certificates of convenience
2 and necessity to motor vehicle carriers.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4 Section 1. Section three hundred twenty-five point seven
5 (325.7), Code 1971, is amended by adding the following new
6 paragraphs:

7 "The commission may issue a certificate, without holding a
8 public hearing, if the service proposed will promote the pub-
9 lic convenience and necessity and the service would not be
10 provided if the expense of a public hearing was placed upon
11 the applicant.

12 If a certificate is to be issued without a public hearing,
13 the commission shall publish notice of its action, at its own
14 expense, in the same manner as provided in section three hun-
15 dred twenty-five point thirteen (325.13). Written objections
16 to the issuance of a certificate without holding a hearing may
17 be filed within ten days of last publication of notice notwith-
18 standing the provisions of section three hundred twenty-five
19 point sixteen (325.16). If no objections are filed within ten
20 days of last publication of the notice, the commission may
21 proceed to issue the certificate in the manner provided in
22 section three hundred twenty-five point eighteen (325.18). A
23 written objection may also be filed at any time after the
24 issuance of a certificate without a hearing. If an objection
25 is filed after the issuance of a certificate without a hearing,

1 the commission may revoke the certificate or proceed as pro-
2 vided in section three hundred twenty-five point eighteen
3 (325.18). If the commission revokes a certificate issued
4 without a hearing, it may require an applicant to submit to a
5 hearing if the applicant does not withdraw the application."

6 EXPLANATION

7 This bill provides that the commerce commission may issue
8 certificates of public convenience and necessity to motor
9 carriers without a prior public hearing in some instances. It
10 also provides for publishing notice of the issuance of such a
11 certificate and provides for an objection procedure. Governor's
12 Economy Committee Report, Commerce Commission, recommendation
13 #5.

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LSB 77

HOUSE AMENDMENT TO SENATE FILE 89

- 1 Amend Senate File 89 as amended and passed by the
2 Senate as follows:
3 1. Page 1, by striking lines 9 and 10 and
4 inserting in lieu thereof the words "lic convenience
5 and necessity and the service would not be provided if
6 the expense of a public hearing was placed upon the
7 applicant."
8 2. Page 1, line 21, by striking the word "A".
9 3. Page 1, by striking lines 22 through 24.
10 4. Page 2, by striking lines 1 through 6.
11 5. Page 2, line 13, by inserting after the word
12 "points" the words "or no carrier is currently serving
13 those points".

Received from the House
May 25, 1971

Senate concurred 5/26

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- 1 Amend Senate File 89, as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section three hundred twenty-five
5 point six (325.6) and Section three hundred twenty-
6 five point seven (325.7), Code 1971, are hereby re-
7 pealed."
8 2. By striking from the title, the word "issuance"
9 and inserting in lieu thereof the word "elimination".

Filed - *W. D. 5/24*
April 14, 1971

By UBAN of Black Hawk, District 38
DUNTON of Keokuk, District 88

House

FISCAL NOTE

Date prepared April 15, 1971

Requested by Representative Ellsworth.

Prepared in regard to S.F. 89, an Act relating to the issuance of certificates of convenience and necessity to motor vehicle carriers. Following is the fiscal effect in dollars of the legislative proposal as required by House Rule 48.

No fiscal effect to the State.

Source: Iowa Commerce Commission.

Filed
April 22, 1971

By GERRY D. RANKIN
Legislative Fiscal Director

House

1 Amend Senate File 89 as follows:

2 1. By inserting before the period on page 2, line 3
3 the following: ", provided however that a public
4 hearing has been held on the application".

5 2. Page 2, by adding after line 5 the following new
6 section:

7 "Sec.--. Section three hundred twenty-five point six
8 (325.6), Code 1971, is amended by adding the following
9 new paragraph:

10 The commission may allow the provision of temporary
11 service for which there is an immediate and urgent need
12 to point or points requested by the application for a
13 certificate of public convenience and necessity upon a
14 finding that no carrier has operating authority to
15 serve those points and upon meeting the requirements of
16 this chapter and the rules and regulations of the
17 commission. Such temporary authority, unless suspended
18 or revoked for good cause, shall be valid for such time
19 as the commission shall specify but not more than an
20 aggregate of one hundred eighty days, and shall create
21 no presumption that the corresponding application will
22 be granted thereafter."

Filed - *Adopted 2-15*
February 9, 1971

By COMMITTEE on COMMERCE

1 Amend Senate File 89, page 1, by striking all
2 after the word "the" on line 9, line 10 and line 11
3 and by inserting in lieu thereof the words "community
4 is without service."

Filed - *Adopted 2-15-71*
February 11, 1971

By NEU

1 Amend the February 9, 1971 Amendment by the
2 Commerce Committee to Senate File 89 by striking lines
3 2 through 4 and inserting in lieu thereof the following:
4 "1. Strike the word "may" on line 1 of page 2 and
5 by inserting in lieu thereof the word "shall".

Filed and Withdrawn
February 15, 1971

By NEU

1 Amend Senate File 89 as follows:
2 1. Page 1, by striking lines 9 through 11, and
3 inserting in lieu thereof the words "lic convenience
4 and necessity and the service would not be provided if
5 the expense of a public hearing was placed upon the
6 applicant."
7 2. Page 1, line 22, by striking the word "A".
8 3. Page 1, by striking lines 23 through 25.
9 4. Page 2, by striking lines 1 through 6.
10 5. Page 2, line 13, by inserting after the word
11 "points" the words "or no carrier is currently serving
12 those points".

Filed - *Adopted 5/24*
May 21, 1971

By FISCHER of Grundy, District 35
House