

Amendments to Senate Bill No. 240
1st Reading Copy

Requested by Senator Lynda Moss

For the Senate Local Government Committee

Prepared by Leanne Kurtz
February 11, 2011 (2:53pm)

1. Page 3, line 5.

Following: "(2) (a) "

Insert: "(i) "

2. Page 3, line 7 through line 10.

Strike: ", to be" on line 7 through "cost" on line 10

Insert: "by mail ballot as provided in Title 13, chapter 19.

(ii) The petition and ballot must include the type of energy-efficient lighting requested by the property owners, along with the approximate cost and must include a statement that the proposed lighting will meet any applicable roadway lighting standards or lighting regulation established by the municipal governing body having jurisdiction in the district.

(iii) Upon request, the governing body shall provide a person who intends to gather signatures for a petition under this subsection (2) with the names and addresses of the property owners in the lighting district."

3. Page 3, line 11.

Strike: "Upon"

Insert: "Within 60 days of"

4. Page 3, line 12.

Following: "shall"

Insert: "either:

(i) proceed with installing energy efficient lighting if the petition contains the signatures of more than 50% of the property owners in the district; or

(ii) "

Strike: "using the utility's poles"

5. Page 3, line 13.

Strike: "placed"

Insert: "printed"

Following: "on the"

Insert: "mail"

Following: "ballot"

Insert: "and mailed to the owners of property in the district, along with a separate document containing statements, not to

exceed 700 words each, both in favor of and against the question to be contributed by a representative of each position"

Following: "."

Insert: "(c)"

6. Page 3.

Following: line 14

Insert: "(d) In order to be counted, a ballot must be returned to the election administrator of the governing body no later than 45 days after it has been mailed to the property owner.

(e) (i) Except as provided in subsection (2)(e)(ii), costs of preparing the ballot and conducting the election must be paid by the municipal governing body.

(ii) The governing body may require that a person who submits the petition and requests the election provide adequate funding to cover the cost of printing and mailing the ballot before preparation of the ballot begins."

7. Page 3, line 15.

Strike: "(c)"

Insert: "(f)"

8. Page 3.

Following: line 20

Insert: "(4) Nothing in this section may be construed to limit the ability of a municipal governing body to establish roadway lighting standards or other lighting regulation."

- END -

Explanation - With amendments #1 through #6 above, subsection (2) of Section 2 would read:

(2)(a)(i) If a municipal governing body has not used the poles to support energy-efficient street lighting as provided in subsection (1), the owners of at least 5% of the property within the district may submit a petition to the municipal governing body requesting the governing body to order an election by mail ballot as provided in Title 13, chapter 19.

(ii) The petition and ballot must include the type of energy-efficient lighting requested by the property owners, along with the approximate cost and must include a statement that the proposed lighting will meet any applicable roadway lighting standards or lighting regulation established by the municipal governing body.

(iii) Upon request, the governing body shall provide a person who intends to gather signatures for a petition under this subsection (2) with the names and addresses of the property

exceed 700 words each, both in favor of and against the question to be contributed by a representative of each position"

Following: "."

Insert: "(c)"

6. Page 3.

Following: line 14

Insert: "(d) In order to be counted, a ballot must be returned to the election administrator of the governing body no later than 45 days after it has been mailed to the property owner.

(e) (i) Except as provided in subsection (2)(e)(ii), costs of preparing the ballot and conducting the election must be paid by the municipal governing body.

(ii) The governing body may require that a person who submits the petition and requests the election provide adequate funding to cover the cost of printing and mailing the ballot before preparation of the ballot begins."

7. Page 3, line 15.

Strike: "(c)"

Insert: "(f)"

8. Page 3.

Following: line 20

Insert: "(4) Nothing in this section may be construed to limit the ability of a municipal governing body to establish roadway lighting standards or other lighting regulation."

- END -

Explanation - With amendments #1 through #6 above, subsection (2) of Section 2 would read:

(2)(a)(i) If a municipal governing body has not used the poles to support energy-efficient street lighting as provided in subsection (1), the owners of at least 5% of the property within the district may submit a petition to the municipal governing body requesting the governing body to order an election by mail ballot as provided in Title 13, chapter 19.

(ii) The petition and ballot must include the type of energy-efficient lighting requested by the property owners, along with the approximate cost and must include a statement that the proposed lighting will meet any applicable roadway lighting standards or lighting regulation established by the municipal governing body.

(iii) Upon request, the governing body shall provide a person who intends to gather signatures for a petition under this subsection (2) with the names and addresses of the property

owners in the lighting district.

(b) Within 60 days of receipt of a petition submitted as provided in subsection (2) (a), the municipal governing body shall either:

(i) proceed with installing energy-efficient lighting if the petition contains the signatures of more than 50% of the property owners in the district; or

(ii) order the question of whether to install energy-efficient street lighting as provided in subsection (1) to be printed on the mail ballot and mailed to the owners of property in the district, along with a separate document containing statements, not to exceed 700 words each, both in favor of and against the question that have been contributed by a representative of each position.

(c) Owners of property in the lighting district are entitled to vote on the question.

(d) In order to be counted, a ballot must be returned to the election administrator of the governing body no later than 45 days after it has been mailed to the property owner.

(e) (i) Except as provided in subsection (2) (e) (ii), costs of preparing the ballot and conducting the election must be paid by the municipal governing body.

(ii) The governing body may require that a person who submits the petition and requests the election provide adequate funding to cover the cost of printing and mailing the ballot before preparation of the ballot begins.

(f) If a majority of the owners of property vote in favor of installing energy-efficient street lighting, the governing body shall, subject to subsection (3), obtain and install the lights on the utility's poles and shall assess the property owners for the cost of the lights in addition to any continuing assessments required under subsection (1) (b).