

SENATE BILL NO. 163

INTRODUCED BY S. FITZPATRICK

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LIGHTING IMPROVEMENT DISTRICT LAWS; REMOVING CONTRACT REQUIREMENTS FOR STREET LIGHTING IMPROVEMENT DISTRICTS; AMENDING SECTIONS 7-12-4307, 7-12-4308, 7-12-4311, AND 7-12-4353, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 7-12-4307, MCA, is amended to read:

"7-12-4307. Objections to irregular proceedings or manner of making improvements. (1) At any time within 60 days from the date of the award of a contract by a the city or town council under the provisions of this part or at any time within 60 days from the date the council requires or instructs the street commissioner or any other official of the city or town to cause the posts, wires, pipes, conduits, lamps, or other suitable and necessary appliances for the purpose of lighting the streets of the city or town to be procured and erected passes the resolution creating the special improvement lighting district, an owner or other person having an interest in a lot or land liable to assessment who claims that any of the previous acts or proceedings relating to the improvements are irregular, defective, erroneous, or faulty or that the person's property will be damaged by the making of any improvements in the manner contemplated may file with the city clerk a written notice specifying in what respect the acts or proceedings are irregular, defective, erroneous, or faulty or in what manner and to what extent the person's property will be damaged by the making of the improvements. The city clerk shall deliver the notice to the council.

(2) All objections to an act or proceeding or in relation to the making of the improvements not made in writing and in the manner and at the time provided in subsection (1) and all claims for damage are waived by the property owners if the notice of the passage of the resolution of intention has been actually published and the notices of improvements have been posted as provided in this part."

Section 2. Section 7-12-4308, MCA, is amended to read:

"7-12-4308. Operation of district. (1) The city or town council may:



1 (a) ~~cause the posts, wires, pipes, conduits, lamps, or other suitable and necessary appliances for the~~
 2 ~~purpose of lighting said streets~~ provide for the installation of the lighting system for the special improvement
 3 lighting district to be procured and erected by contract, by the street commissioner, or by any other official of the
 4 city or town, in such way and manner as the council shall provide; and

5 (b) ~~after such lighting system has been installed in such way and manner as the council shall elect,~~
 6 ~~cause, by contract, the lights to be maintained thereon and electrical current furnished therefor~~ provide for the
 7 maintenance and operation of the lighting system after the lighting system has been installed.

8 (2) The light posts in any such district shall a special improvement lighting district must be of uniform size
 9 and character and shall must be distributed uniformly upon on the street ~~or streets~~ or public highway or ~~section~~
 10 ~~thereof~~ portion of the street or public highway to be lighted in ~~any such district.~~

11 (3) The lights in each district ~~shall must~~ be maintained ~~by contract~~ for ~~such~~ the period of time and in ~~such~~
 12 ~~way or the manner as~~ the city or town council ~~shall elect~~ elects. ~~The council shall not let a contract for a period~~
 13 ~~to exceed 3 years. If a public utility, as defined in 69-3-101, provides for the installation, maintenance, or operation~~
 14 ~~of the lighting system, the installation, maintenance, or operation must be performed in accordance with the public~~
 15 ~~utility's applicable tariff schedule."~~

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17 **Section 3.** Section 7-12-4311, MCA, is amended to read:

18 **"7-12-4311. Termination of special improvement lighting district.** (1) If at any time after the creation
 19 of a special improvement lighting district a petition is presented to the city or town council, signed by the owners
 20 or agents of more than three-fourths of the total amount of property within the district, asking that the maintenance
 21 and operation of the special lighting system and the furnishing of electrical current in the district be discontinued,
 22 or if a majority of the city or town council votes to discontinue a special improvement lighting district, the city or
 23 town council shall, by resolution, provide for discontinuing the maintenance and operation of the lighting system.

24 (2) If the council has, prior to the presentation of a petition or by a majority vote of the council to
 25 discontinue the district, entered into any contract for the maintenance and operation of the lighting system, the
 26 maintenance and operation may not be discontinued until after the expiration of the contract.

27 (3) If the lighting system is maintained and operated by a public utility, the maintenance and operation
 28 must be discontinued in accordance with the public utility's applicable tariff schedule."

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30 **Section 4.** Section 7-12-4353, MCA, is amended to read:

