



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:

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

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

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

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

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

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

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

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

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

"7-12-4353. Objections to irregular proceedings or manner of making modification. ~~(1) At any time within 60 days from the date of the award of a contract by a city or town council to implement the provisions of 7-12-4352 or at any time within 60 days from the date the council instructs an official of the city or town to cause the necessary equipment or appliances to be procured and installed, an owner of property liable to assessment who claims that any of the previous acts or proceedings relating to the modification are irregular, defective, erroneous, or faulty or that the person's property will be damaged by making the modification in the manner contemplated may file with the city or town clerk a notice specifying in what respect these 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 modification.~~

~~(2) Objections to an act or proceeding or in relation to the making of the modification not made in writing or not made in the manner provided for in subsection (1) and all claims for damage are waived by the property owners if the notice of the passage of the resolution has been published and the notices of the modification have been posted as provided in 7-12-4303. An objection to the proceedings or the manner of making modifications to an existing special improvement lighting district under the provisions of this part must be made in accordance with the provisions of 7-12-4307.~~

Section 5. Effective date. [This act] is effective on passage and approval.

Section 6. Applicability. [This act] applies to special improvement lighting districts created or modified on or after [the effective date of this act].

- END -

I hereby certify that the within bill,
SB 0163, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2019.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 163

INTRODUCED BY S. FITZPATRICK

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