

SENATE BILL NO. 152

INTRODUCED BY MAZUREK, KEATING

IN THE SENATE

January 16, 1981	Introduced and referred to Committee on Local Government.
February 4, 1981	Committee recommend bill do pass. Report adopted.
February 5, 1981	Bill printed and placed on members' desks.
February 6, 1981	Second reading, do pass.
February 7, 1981	Correctly engrossed.
February 9, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

February 10, 1981	Introduced and referred to Committee on Local Government.
March 25, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Second reading, concurred in as amended.
March 30, 1981	On motion rules suspended and bill allowed to be transmitted on 71st legislative day. Motion adopted.
March 31, 1981	Third reading, concurred in as amended. Ayes, 79; Noes, 15.

IN THE SENATE

April 1, 1981	Returned from House with amendments.
April 3, 1981	Second reading, amendments not concurred in.
April 7, 1981	On motion Conference Committee requested. Conference Committee appointed.
April 13, 1981	Conference Committee reported and dissolved.
April 15, 1981	Second reading, Conference Committee report adopted.
April 16, 1981	Third reading, Conference Committee report adopted. Ayes, 48; Noes, 2. Transmitted to House.

IN THE HOUSE

April 20, 1981	Conference Committee report adopted.
----------------	--------------------------------------

IN THE SENATE

April 20, 1981	Returned from House. Concurred in. Sent to enrolling. Reported correctly enrolled.
----------------	--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL NO. 152
INTRODUCED BY Thurgood Keating

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MUNICIPALITIES GREATER FLEXIBILITY IN ASSESSING THE COSTS OF INSTALLING AND MAINTAINING A LIGHTING SYSTEM TO THOSE WHO BENEFIT FROM A SPECIAL LIGHTING DISTRICT; AMENDING SECTION 7-12-4301, MCA."

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

Section 1. Section 7-12-4301, MCA, is amended to read:

"7-12-4301. Special improvement districts for lighting streets authorized. (1) The council of any city or town is authorized to:

(a) create special improvement districts embracing any street or streets or public highway therein or portions thereof and property adjacent thereto or property which may be declared by said council to be benefited by the improvement to be made for the purpose of lighting such street or streets or public highway;

(b) require ~~not more than three-fourths and not less than one-fourth of~~ that all or any portion of the cost of installing and maintaining such lighting system to be paid by the owners of the property embraced within the boundaries of such districts; and

(c) assess and collect such portion of such cost by

1
2
3
4
5
6
7

special assessment against said property.
(2) The governing body may create special lighting districts on any street or streets or public highway for the purpose of lighting them and assess the costs for installation and maintenance to property abutting thereto and collect the costs by special assessment against the property."

-End-

Approved by Comm.
on Local Government

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

INTRODUCED BY *Sen. [Signature]* *House [Signature]* BILL NO. *152*

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MUNICIPALITIES GREATER FLEXIBILITY IN ASSESSING THE COSTS OF INSTALLING AND MAINTAINING A LIGHTING SYSTEM TO THOSE WHO BENEFIT FROM A SPECIAL LIGHTING DISTRICT; AMENDING SECTION 7-12-4301, MCA."

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

Section 1. Section 7-12-4301, MCA, is amended to read:

"7-12-4301. Special improvement districts for lighting streets authorized. (1) The council of any city or town is authorized to:

(a) create special improvement districts embracing any street or streets or public highway therein or portions thereof and property adjacent thereto or property which may be declared by said council to be benefited by the improvement to be made for the purpose of lighting such street or streets or public highway;

(b) require ~~not more than three-fourths and not less than one-fourth~~ of that all or any portion of the cost of installing and maintaining such lighting system to be paid by the owners of the property embraced within the boundaries of such districts; and

(c) assess and collect such portion of such cost by

special assessment against said property.
(2) The governing body may create special lighting districts on any street or streets or public highway for the purpose of lighting them and assess the costs for installation and maintenance to property abutting thereto and collect the costs by special assessment against the property."

-End-

SECOND READING
-2- SB 152

1 *Senate* BILL NO. *152*
 2 INTRODUCED BY *Thompson* *Leitung*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MUNICIPALITIES
 5 GREATER FLEXIBILITY IN ASSESSING THE COSTS OF INSTALLING AND
 6 MAINTAINING A LIGHTING SYSTEM TO THOSE WHO BENEFIT FROM A
 7 SPECIAL LIGHTING DISTRICT; AMENDING SECTION 7-12-4301, MCA."
 8

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

10 Section 1. Section 7-12-4301, MCA, is amended to read:

11 "7-12-4301. Special improvement districts for lighting
 12 streets authorized. (1) The council of any city or town is
 13 authorized to:

14 (a) create special improvement districts embracing any
 15 street or streets or public highway therein or portions
 16 thereof and property adjacent thereto or property which may
 17 be declared by said council to be benefited by the
 18 improvement to be made for the purpose of lighting such
 19 street or streets or public highway;

20 (b) ~~require not more than three-fourths and not less~~
 21 ~~than one-fourth of that all or any portion of~~ the cost of
 22 installing and maintaining such lighting system to be paid
 23 by the owners of the property embraced within the boundaries
 24 of such districts; and

25 (c) assess and collect such portion of such cost by

1 special assessment against said property.

2 (2) The governing body may create special lighting
 3 districts on any street or streets or public highway for the
 4 purpose of lighting them and assess the costs for
 5 installation and maintenance to property abutting thereto
 6 and collect the costs by special assessment against the
 7 property."

-End-

1 SENATE BILL NO. 152

2 INTRODUCED BY MAZUREK, KEATING

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MUNICIPALITIES
5 GREATER FLEXIBILITY IN ASSESSING THE COSTS OF INSTALLING AND
6 MAINTAINING A LIGHTING SYSTEM TO THOSE WHO BENEFIT FROM A
7 SPECIAL LIGHTING DISTRICT; AMENDING ~~SECTION~~ SECTIONS
8 7-12-4301, 7-12-4321, AND 7-12-4328, MCA."

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

11 Section 1. Section 7-12-4301, MCA, is amended to read:

12 "7-12-4301. Special improvement districts for lighting
13 streets authorized. (1) The council of any city or town is
14 authorized to:15 (a) create special improvement districts embracing any
16 street or streets or public highway therein or portions
17 thereof and property adjacent thereto or property which may
18 be declared by said council to be benefited by the
19 improvement to be made for the purpose of lighting such
20 street or streets or public highway;21 (b) require ~~not--more-than-three-fourths-and-not-less~~
22 ~~than-one-fourth-of~~ that all or any portion of the cost of
23 installing and maintaining such lighting system INSTALLED
24 AFTER JULY 1, 1981, to be paid by the owners of the property
25 embraced within the boundaries of such districts; and1 (c) assess and collect such portion of such cost by
2 special assessment against said property.3 (2) The governing body may create special lighting
4 districts on any street or streets or public highway for the
5 purpose of lighting them and assess the costs for
6 installation and maintenance to property abutting thereto
7 and collect the costs by special assessment against the
8 property."9 SECTION 2. SECTION 7-12-4321, MCA, IS AMENDED TO READ:10 "7-12-4321. Apportionment of costs. The portion of the
11 entire cost of erecting and maintaining the posts, wires,
12 pipes, conduits, lamps, and other suitable or necessary
13 appliances for the purpose of lighting said streets or
14 public highways and of the annual cost of supplying
15 electrical current for and maintaining the lights thereon in
16 such districts, ~~not--less--than--one-fourth--or--more--than~~
17 ~~three-fourths~~ all or any portion as shall be determined by
18 the city or town council, shall be borne by the property
19 embraced within said district."20 SECTION 3. SECTION 7-12-4328, MCA, IS AMENDED TO READ:21 "7-12-4328. Resolution to provide for assessment of
22 costs of installation. (1) It shall be the duty of the city
23 or town council to ascertain the cost of installing such
24 lighting system and, on or before the first Monday in
25 October, to pass and finally adopt a resolution levying and

1 assessing all of the property embraced within said district
2 with ~~not less than one-fourth or more than three-fourths~~ all
3 or any portion of the entire cost of installing the same;
4 each lot or parcel of land in said district to be assessed
5 in accordance with the method adopted by the city council as
6 provided in 7-12-4321 through 7-12-4324.

7 (2) Any such resolution shall contain a list in which
8 shall be described each lot or parcel of land, either the
9 total number of square feet of property contained therein or
10 the total number of linear feet abutting the improvements as
11 may be required to determine the total assessment in the
12 district, and the amount levied against each lot or parcel
13 of land set opposite.

14 (3) Such resolution, signed by the mayor and city
15 clerk, shall be kept on file in the office of the city
16 clerk."

-End-

1 SENATE BILL NO. 152

2 INTRODUCED BY MAZUREK, KEATING

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MUNICIPALITIES
5 GREATER FLEXIBILITY IN ASSESSING THE COSTS OF INSTALLING AND
6 MAINTAINING A LIGHTING SYSTEM TO THOSE WHO BENEFIT FROM A
7 SPECIAL LIGHTING DISTRICT; AMENDING ~~SOME~~ SECTIONS
8 7-12-4301, 7-12-4321, AND 7-12-4328, MCA."

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

11 Section 1. Section 7-12-4301, MCA, is amended to read:

12 "7-12-4301. Special improvement districts for lighting
13 streets authorized. (1) The council of any city or town is
14 authorized to:15 (a) create special improvement districts embracing any
16 street or streets or public highway therein or portions
17 thereof and property adjacent thereto or property which may
18 be declared by said council to be benefited by the
19 improvement to be made for the purpose of lighting such
20 street or streets or public highway;21 (b) require ~~not more than three-fourths and not less~~
22 ~~than one-fourth of that all or any portion of~~ the cost of
23 installing and maintaining such lighting system ~~installed~~
24 ~~after July 1, 1981~~ to be paid by the owners of the property
25 embraced within the boundaries of such districts; and1 (c) assess and collect such portion of such cost by
2 special assessment against said property.3 (2) The governing body may create special lighting
4 districts on any street or streets or public highway for the
5 purpose of lighting them and assess the costs for
6 installation and maintenance to property abutting thereto
7 and collect the costs by special assessment against the
8 property."9 SECTION 2. SECTION 7-12-4321, MCA, IS AMENDED TO READ:10 "7-12-4321. Apportionment of costs. The portion of the
11 entire cost of erecting and maintaining the posts, wires,
12 pipes, conduits, lamps, and other suitable or necessary
13 appliances for the purpose of lighting said streets or
14 public highways and of the annual cost of supplying
15 electrical current for and maintaining the lights thereon in
16 such districts, ~~not less than one-fourth or more than~~
17 ~~three-fourths all or any portion~~ as shall be determined by
18 the city or town council, shall be borne by the property
19 embraced within said district."20 SECTION 3. SECTION 7-12-4328, MCA, IS AMENDED TO READ:21 "7-12-4328. Resolution to provide for assessment of
22 costs of installation. (1) It shall be the duty of the city
23 or town council to ascertain the cost of installing such
24 lighting system and, on or before the first Monday in
25 October, to pass and finally adopt a resolution levying and

1 assessing all of the property embraced within said district
2 with ~~not less than one-fourth or more than three-fourths~~ all
3 or any portion of the entire cost of installing the same;
4 each lot or parcel of land in said district to be assessed
5 in accordance with the method adopted by the city council as
6 provided in 7-12-4321 through 7-12-4324.

7 (2) Any such resolution shall contain a list in which
8 shall be described each lot or parcel of land, either the
9 total number of square feet of property contained therein or
10 the total number of linear feet abutting the improvements as
11 may be required to determine the total assessment in the
12 district, and the amount levied against each lot or parcel
13 of land set opposite.

14 (3) Such resolution, signed by the mayor and city
15 clerk, shall be kept on file in the office of the city
16 clerk."

-End-

.....April 11..... 1981.....

JOINT CONFERENCE COMMITTEE
ON HOUSE AMENDMENTS TO SENATE BILL NO. 152

(Report No. 1, April 11, 1981)

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Joint Conference Committee on Senate Bill No. 152, met April 11, 1981, and considered:

House Local Government Committee Amendments to the third reading copy, dated March 25, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated March 28, 1981, and recommend as follows:

That the Senate accede to Standing Committee amendment nos. 1 and 2, dated March 25, 1981;

That the House recede from Committee of the Whole amendment no. 1, dated March 28, 1981;

That the reference copy of Senate Bill 152 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report on Senate Bill No. 152 be adopted.

CLERICAL INSTRUCTIONS

1. Page 1, lines 23 and 24.

Following: "system"

Strike: "INSTALLED AFTER JULY 1, 1981,"

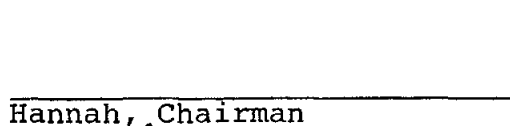
FOR THE SENATE:

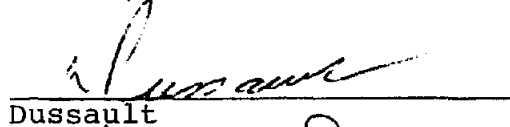

Elliott, Chairman

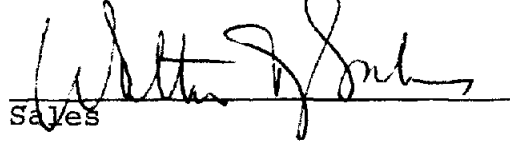

Mazurek


Keating

FOR THE HOUSE:


Hannah, Chairman


Dussault


Sales

House amendment to Senate Bill 152:

1. Page 1, line 22.

Following: "system"

Insert: "installed after July 1, 1981,"

House
Local Government Committee
March 25, 1981
Amend Senate Bill 152

1. Title, line 7.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "7-12-4301,"
Insert: "7-12-4321, AND 7-12-4328,"

2. Page 2.
Following: line 7
Insert: see attached

" Section 2. Section 7-12-4321, MCA, is amended to read:
"7-12-4321. Apportionment of costs. The portion of the entire cost of erecting and maintaining the posts, wires, pipes, conduits, lamps, and other suitable or necessary appliances for the purpose of lighting said streets or public highways and of the annual cost of supplying electrical current for and maintaining the lights thereon in such districts, ~~not--less--than--one-fourth--or--more--than three-fourths~~ all or any portion as shall be determined by the city or town council, shall be borne by the property embraced within said district."

Section 3. Section 7-12-4328, MCA, is amended to read:
"7-12-4328. Resolution to provide for assessment of costs of installation. (1) It shall be the duty of the city or town council to ascertain the cost of installing such lighting system and, on or before the first Monday in October, to pass and finally adopt a resolution levying and assessing all of the property embraced within said district with ~~not--less--than--one-fourth--or--more--than--three-fourths~~ all or any portion of the entire cost of installing the same; each lot or parcel of land in said district to be assessed in accordance with the method adopted by the city council as provided in 7-12-4321 through 7-12-4324.

(2) Any such resolution shall contain a list in which shall be described each lot or parcel of land, either the total number of square feet of property contained therein or the total number of linear feet abutting the improvements as may be required to determine the total assessment in the district, and the amount levied against each lot or parcel of land set opposite.

(3) Such resolution, signed by the mayor and city clerk, shall be kept on file in the office of the city clerk." "