

HOUSE BILL NO. 852

Introduced: 02/15/83

Referred to Committee on Business & industry: 02/15/83

Hearing: 2/21/83

Died in Committee

1 *House* BILL NO. *852*
2 INTRODUCED BY *Mencha Patrick Broad Zulu*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT
5 MUNICIPALITIES MAY CONDITION THE GRANTING OF CERTAIN
6 FRANCHISES TO ENTITIES FURNISHING UNREGULATED SERVICES ON
7 TERMS REQUIRING ADEQUATE, ECONOMICAL, AND EFFICIENT SERVICE
8 OR OTHER TERMS IN THE PUBLIC INTEREST; AMENDING SECTION
9 7-5-4321, MCA."

10

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

12 Section 1. Section 7-5-4321, MCA, is amended to read:

13 "7-5-4321. Grant of ~~exclusive~~ franchise -- election
14 required ~~in grant of exclusive franchise. (1) If the entity~~
15 ~~to which a franchise is being granted provides a service~~
16 ~~that is not otherwise regulated by state law, the city or~~
17 ~~town may condition the franchise or renewal of the franchise~~
18 ~~on terms requiring adequate, economical, and efficient~~
19 ~~service by the entity or other terms in the public interest.~~

20 ~~(1)(2)~~ The council may not grant an exclusive
21 franchise or special privilege to any person except in the
22 manner specified in subsection ~~(2)~~ (3). The powers of the
23 council are only those expressly prescribed by law and those
24 necessarily incident thereto.

25 ~~(2)(3)~~ No exclusive franchise for any purpose may be

1 granted by any city or town or by the mayor or city council
2 thereof to any person, association, or corporation without
3 first submitting the application therefor to the electors of
4 the city."

-End-