

1 House BILL NO. 311
2 INTRODUCED BY Radar

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR
5 MODIFICATION OF EXISTING SPECIAL IMPROVEMENT LIGHTING
6 DISTRICTS."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Modification of existing lighting district.
10 (1) The council of any city or town is authorized to:

11 (a) modify an existing special improvement lighting
12 district by changing the number and spacing of lights,
13 replacing overhead transmission lines with underground
14 lines, increasing or decreasing the level of illumination,
15 or making other major modifications required by the public
16 interest and convenience;

17 (b) require that all or any part of the cost of the
18 modification be paid by the owners of the property within
19 the district; and

20 (c) assess and collect all or any part of the cost of
21 the modification by special assessment against the property
22 within the district.

23 (2) Before modifying an existing lighting district,
24 the city council shall adopt a resolution of intention to do
25 so, either by motion of the council or upon presentation of

1 a petition signed by the owners or agents of at least 10% of
2 the property within the district.

3 (3) The provisions in 7-12-4302 through 7-12-4305 for
4 the content of the resolution, public notice, protest, and
5 consideration of protest that apply to the creation of a
6 special improvement lighting district also apply to the
7 modification of an existing special improvement lighting
8 district authorized by this section.

9 Section 2. Jurisdiction to modify lighting district.
10 If no protests have been delivered to the clerk of the city
11 or town council within 15 days of the date of the first
12 publication of the notice of the passage of the resolution
13 of intention required by [section 1] or if a protest has
14 been found to be insufficient or has been overruled, the
15 city or town council is considered to have acquired
16 jurisdiction to order the proposed modification.

17 Section 3. Objections to irregular proceedings or
18 manner of making a modification. (1) At any time within 60
19 days from the date of the award of a contract by a city or
20 town council to implement the provisions of [section 2] or
21 at any time within 60 days from the date the council
22 instructs an official of the city or town to cause the
23 necessary equipment or appliances to be procured and
24 installed, an owner of property liable to assessment who
25 claims that any of the previous acts or proceedings relating

1 to the modification are irregular, defective, erroneous, or
2 faulty or that his property will be damaged by making the
3 modification in the manner contemplated may file with the
4 city or town clerk a notice specifying in what respect these
5 acts or proceedings are irregular, defective, erroneous, or
6 faulty or in what manner and to what extent his property
7 will be damaged by the modification.

8 (2) Objections to any act or proceeding or in relation
9 to the making of the modification not made in writing or not
10 made in the manner provided for in subsection (1) and all
11 claims for damage therefor are waived by the property
12 owners, providing the notice of the passage of the
13 resolution has been published and the notices of the
14 modification posted as provided in 7-12-4303.

15 Section 4. Minor modifications exempt. Nothing in
16 [this act] prevents the city or town council from
17 eliminating unnecessary lights, relocating individual
18 lights, or making other minor modifications in a special
19 improvement lighting district without following the
20 procedures described in [sections 1 through 3].

21 Section 5. Codification instruction. Sections 1
22 through 4 are intended to be codified as an integral part of
23 Title 7, chapter 12, part 43, and the provisions of Title 7,
24 chapter 12, apply to sections 1 through 4.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

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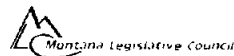
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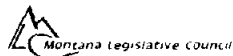
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