## HOUSE BILL NO. 311

# INTRODUCED BY KADAS

## IN THE HOUSE

- JANUARY 20, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
- JANUARY 26, 1987 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- JANUARY 27, 1987 PRINTING REPORT.
- JANUARY 28, 1987 SECOND READING, DO PASS.
- JANUARY 29, 1987 ENGROSSING REPORT.
  - THIRD READING, PASSED.
  - TRANSMITTED TO SENATE.
  - IN THE SENATE
- JANUARY 30, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
- FEBRUARY 11, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
- FEBRUARY 14, 1987 SECOND READING, CONCURRED IN.
- FEBRUARY 17, 1987 THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 18, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

LC 0588/01

INTRODUCED BY Radias 1 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR 5 MODIFICATION OF EXISTING SPECIAL IMPROVEMENT LIGHTING DISTRICTS." 6 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. replacing overhead transmission lines with underground 13 14 lines, increasing or decreasing the level of illumination, 15 or making other major modifications required by the public interest and convenience; 16 17 (b) require that all or any part of the cost of the

1/ (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

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

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

LC 0588/01

a petition signed by the owners or agents of at least 10% of
 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. If no protests have been delivered to the clerk of the city 10 11 or town council within 15 days of the date of the first 12 publication of the notice of the passage of the resolution of intention required by [section 1] or if a protest has 13 been found to be insufficient or has been overruled, the 14 15 city or town council is considered to have acquired jurisdiction to order the proposed modification. 16

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 town council to implement the provisions of [section 2] or 20 21 at any time within 60 days from the date the council instructs an official of the city or town to cause the 22 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

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to the modification are irregular, defective, erroneous, or faulty or that his 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 his property 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-

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### 50th Legislature

HB 0311/02

## APPROVED BY COMM. ON LOCAL GOVERNMENT

1	HOUSE BILL NO. 311
2	INTRODUCED BY KADAS
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

a petition signed by the owners or agents of at least 10% of 1 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.

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

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



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to the modification are irregular, defective, erroneous, or faulty or that his 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 his property 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 [this act] prevents the city or town council from 16 17 eliminating unnecessary lights, relocating individual lights, UPGRADING LIGHTS AND LIGHTING-RELATED FACILITIES IN 18 19 THE INTEREST OF ENERGY CONSERVATION, or making other minor modifications in a special improvement lighting district 20 21 without following the procedures described in [sections 1 22 through 3].

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

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1 chapter 12, apply to sections 1 through 4.

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#### 50th Legislature

### HB 0311/02

HOUSE BILL NO. 311 1 1 2 INTRODUCED BY KADAS 2 3 3 A BILL FOR AN ACT ENTITLED: 4 "AN ACT PROVIDING FOR 4 5 MODIFICATION EXISTING SPECIAL IMPROVEMENT LIGHTING OF 5 6 DISTRICTS." 6 7 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 8 9 Section 1. Modification of existing lighting district. 9 10 (1) The council of any city or town is authorized to: 10 11 (a) modify an existing special improvement lighting 11 12 district by changing the number and spacing of lights, 12 13 replacing overhead transmission lines with underground 13 14 lines, increasing or decreasing the level of illumination, 14 or making other major modifications required by the public 15 15 16 interest and convenience; 16 17 (b) require that all or any part of the cost of the 17 modification be paid by the owners of the property within 18 18 19 the district; and 19 20 (c) assess and collect all or any part of the cost of 20 the modification by special assessment against the property 21 21 22 within the district. 22 23 (2) Before modifying an existing lighting district. 23 24 the city council shall adopt a resolution of intention to do 24 so, either by motion of the council or upon presentation of 25 25 HB 0311/02

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

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

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THIRD READING

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to the modification are irregular, defective, erroneous, or faulty or that his 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 his property 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 (this act) prevents the city or town council from 16 17 eliminating unnecessary lights, relocating individual 18 lights, UPGRADING LIGHTS AND LIGHTING-RELATED FACILITIES IN THE INTEREST OF ENERGY CONSERVATION, or making other minor 19 20 modifications in a special improvement lighting district 21 without following the procedures described in [sections 1] 22 through 3].

23 Section 5. Codification instruction. Sections 1 24 through 4 are intended to be codified as an integral part of 25 Title 7, chapter 12, part 43, and the provisions of Title 7,

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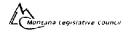
chapter 12, apply to sections 1 through 4.

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1 1 HOUSE BILL NO. 311 2 2 INTRODUCED BY KADAS 3 3 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR 4 4 5 5 MODIFICATION OF EXISTING SPECIAL IMPROVEMENT LIGHTING 6 DISTRICTS." 6 7 7 8 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 9 Section 1. Modification of existing lighting district. 10 (1) The council of any city or town is authorized to: 10 (a) modify an existing special improvement lighting 11 11 12 12 district by changing the number and spacing of lights, 13 13 replacing overhead transmission lines with underground 14 14 lines, increasing or decreasing the level of illumination, 15 15 or making other major modifications required by the public 16 16 interest and convenience; 17 17 (b) require that all or any part of the cost of the 18 modification be paid by the owners of the property within 18 19 19 the district; and 20 20 (c) assess and collect all or any part of the cost of 21 21 the modification by special assessment against the property 22 22 within the district. 23 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



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

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

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REFERENCE BILL

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to the modification are irregular, defective, erroneous, or faulty or that his 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 his property 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 lights, UPGRADING LIGHTS AND LIGHTING-RELATED FACILITIES IN 18 THE INTEREST OF ENERGY CONSERVATION, or making other minor 19 modifications in a special improvement lighting district 20 without following the procedures described in [sections 1 21 through 3]. 22

23 Section 5. Codification instruction. Sections 1 24 through 4 are intended to be codified as an integral part of 25 Title 7, chapter 12, part 43, and the provisions of Title 7, 1 chapter 12, apply to sections 1 through 4.

#### -End-

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