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House BILL NO. 197

INTRODUCED BY Kreuzler Lynch Cyr Kelly

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN PROVISIONS RELATING TO LIGHTING DISTRICTS; CLARIFYING THAT THE MAILING ADDRESS FOR PROPERTY ASSESSMENT PURPOSES IS THE APPROPRIATE MAILING ADDRESS WITH RESPECT TO CREATING A LIGHTING DISTRICT; ALLOWING THE TERMINATION OF A LIGHTING DISTRICT BY A MAJORITY VOTE OF A CITY OR TOWN COUNCIL AS WELL AS BY A PETITION OF PROPERTY OWNERS; INCREASING FROM 8 YEARS TO 20 YEARS THE PERIOD OVER WHICH A LIGHTING DISTRICT BOND MAY BE AMORTIZED; CLARIFYING THE MEANING OF "MINOR MODIFICATIONS" TO A LIGHTING DISTRICT; AND AMENDING SECTIONS 7-12-4303, 7-12-4311, 7-12-4342, AND 7-12-4354, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-12-4303, MCA, is amended to read:

"7-12-4303. Notice of resolution of intent to create lighting district. (1) Upon having passed the resolution required by 7-12-4302, the council ~~must~~ shall give notice of the passage of ~~such~~ the resolution of intention. The notice of the passage of ~~such~~ the resolution must be published for 5 days in a daily newspaper or in ~~some~~ one issue of a weekly newspaper in the city or town or, in case no newspaper ~~be~~ is published in ~~such~~ the city or town, then by posting for 5 days in three public places in the city or town. A copy of ~~such~~ the notice ~~shall~~ must be mailed to every person, firm, or corporation having property within the proposed district, at ~~his last known~~ the property owner's address as the address is listed on the current property assessment role, upon on the same day ~~such~~ that the notice is first published or posted.

(2) ~~Such~~ The notice must describe the general character of the improvement ~~to~~ proposed to be made, state the estimated cost ~~thereof~~ of the improvement and the estimated cost of maintaining the lights and supplying the electrical current ~~therefor~~ for the improvement and lights within ~~such~~ the district for the first year, and designate the time when and the place where the council will hear and pass upon all protests that may be made against the making of ~~such~~ the improvement or the creation of ~~such~~ the district. ~~Such~~ The notice ~~shall~~ must refer to the resolution on file in the office of the city clerk for a description of the boundaries."



1 **Section 2.** Section 7-12-4311, MCA, is amended to read:

2 **"7-12-4311. Termination of special improvement lighting district.** If at any time after the creation
 3 of ~~any a~~ special improvement lighting district, a petition ~~shall be~~ is presented to the city or town council,
 4 signed by the owners or agents of more than three-fourths of the total amount of property ~~embraced~~ within
 5 the district, asking that the maintenance and operation of ~~such the~~ special lighting system and the
 6 furnishing of electrical current ~~therefor in such~~ in the district be discontinued, or if a majority of the city or
 7 town council votes to discontinue a special improvement lighting district, the city or town council shall, by
 8 resolution, provide for discontinuing the maintenance and operation of the lighting system. If the council
 9 ~~shall have~~ has, prior to the presentation of ~~such a~~ petition or by a majority vote of the council to
 10 discontinue the district, entered into any contract for the maintenance and operation of ~~such the~~ lighting
 11 system, ~~such the~~ maintenance and operation ~~shall may~~ not be discontinued until after the expiration of the
 12 contract."
 13

14 **Section 3.** Section 7-12-4342, MCA, is amended to read:

15 **"7-12-4342. Details relating to lighting district bonds and warrants.** (1) ~~Said warrants~~ Warrants
 16 or bonds ~~shall~~ issued pursuant to 7-12-4341 must be in the denomination of \$100 or fractions or multiples
 17 ~~thereof of \$100~~ and may be issued in installments.

18 (2) ~~Such The~~ warrants or bonds ~~shall~~ must be redeemed by the treasurer when there is money
 19 available ~~therefor for redemption~~ in the fund against which ~~said the~~ warrants or bonds are issued and ~~shall~~
 20 must bear interest from the date of registration ~~thereof of the warrants or bonds~~ until called for redemption
 21 or paid in full, interest to be payable annually on January 1 of each year as expressed by the interest
 22 coupon attached ~~thereto to the warrant or bond,~~ which may bear the engraved facsimile signature of the
 23 mayor and city clerk.

24 (3) ~~Such The~~ warrants or bonds may extend over a period not to exceed ~~8~~ 20 years.

25 (4) The requirements of ~~this section and 7-12-4341 shall~~ and this section apply to all special
 26 improvement lighting districts, including those ~~now~~ in the process of formation or to be formed ~~hereafter~~
 27 on or after [the effective date of this act]."
 28

29 **Section 4.** Section 7-12-4354, MCA, is amended to read:

30 **"7-12-4354. Minor modifications exempt.** Nothing in 7-12-4351 through 7-12-4354 prevents the

1 city or town council from eliminating unnecessary lights, relocating individual lights, upgrading lights and
2 lighting-related facilities in the interest of energy conservation, or making other minor modifications in a
3 special improvement lighting district without following the procedures described in 7-12-4351 through
4 7-12-4353. For the purposes of this section, "minor modifications" includes but is not limited to adding
5 properties or lights if the additions:

- 6 (1) reduce assessments within the maintenance district; or
7 (2) increase the assessment on a property by 3% or less in a fiscal year."

8

9 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 1997.

10

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0197, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising certain provisions relating to lighting districts; clarifying that the mailing address for property assessment purposes is the appropriate mailing address with respect to creating a lighting district; allowing the termination of a lighting district by a majority vote of a city or town council as well as by a petition of property owners; increasing from 8 years to 20 years the period over which a lighting district bond may be amortized; clarifying the meaning of "minor modifications" to a lighting district; and providing an effective date.

FISCAL IMPACT:

There is no known fiscal impact.

Dave Lewis 1-11-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Billie Krenzler 1-13-97
BILLIE KRENZLER PRIMARY SPONSOR DATE

Fiscal Note for HB0197, as introduced

HB 197

1 HOUSE BILL NO. 197

2 INTRODUCED BY KRENZLER, LYNCH, CRIPPEN, KEATING

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN PROVISIONS RELATING TO LIGHTING
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6 APPROPRIATE MAILING ADDRESS WITH RESPECT TO CREATING A LIGHTING DISTRICT; ALLOWING THE
7 TERMINATION OF A LIGHTING DISTRICT BY A MAJORITY VOTE OF A CITY OR TOWN COUNCIL AS
8 WELL AS BY A PETITION OF PROPERTY OWNERS; INCREASING FROM 8 YEARS TO 20 YEARS THE
9 PERIOD OVER WHICH A LIGHTING DISTRICT BOND MAY BE AMORTIZED; CLARIFYING THE MEANING
10 OF "MINOR MODIFICATIONS" TO A LIGHTING DISTRICT; AND AMENDING SECTIONS 7-12-4303,
11 7-12-4311, 7-12-4342, AND 7-12-4354, MCA; AND PROVIDING AN EFFECTIVE DATE."

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18 of intention. The notice of the passage of ~~such~~ the resolution must be published for 5 days in a daily
19 newspaper or in ~~some~~ one issue of a weekly newspaper in the city or town or, in case no newspaper ~~be~~
20 is published in ~~such~~ the city or town, then by posting for 5 days in three public places in the city or town.
21 A copy of ~~such~~ the notice ~~shall~~ must be mailed to every person, firm, or corporation having property within
22 the proposed district, AS LISTED ON THE CURRENT PROPERTY TAX RECORD, at ~~his last known~~ the
23 property owner's address as the address is listed on the current property assessment role TAX RECORD,
24 ~~upon~~ on the same day ~~such~~ that the notice is first published or posted.

25 (2) ~~Such~~ The notice must describe the general character of the improvement ~~so~~ proposed to be
26 made, state the estimated cost ~~thereof~~ of the improvement and the estimated cost of maintaining the lights
27 and supplying the electrical current ~~therefor~~ for the improvement and lights within ~~such~~ the district for the
28 first year, and designate the time when and the place where the council will hear and pass upon all protests
29 that may be made against the making of ~~such~~ the improvement or the creation of ~~such~~ the district. ~~Such~~
30 The notice ~~shall~~ must refer to the resolution on file in the office of the city clerk for a description of the

1 boundaries."

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3 **Section 2.** Section 7-12-4311, MCA, is amended to read:

4 **"7-12-4311. Termination of special improvement lighting district.** If at any time after the creation
5 of ~~any a~~ special improvement lighting district, a petition ~~shall be~~ is presented to the city or town council,
6 signed by the owners or agents of more than three-fourths of the total amount of property ~~embraced~~ within
7 the district, asking that the maintenance and operation of ~~such the~~ special lighting system and the
8 furnishing of electrical current ~~therefor in such in the~~ district be discontinued, or if a majority of the city or
9 town council votes to discontinue a special improvement lighting district, the city or town council shall, by
10 resolution, provide for discontinuing the maintenance and operation of the lighting system. If the council
11 ~~shall have~~ has, prior to the presentation of ~~such a~~ petition or by a majority vote of the council to
12 discontinue the district, entered into any contract for the maintenance and operation of ~~such the~~ lighting
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14 contract."
15

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16 **Section 3.** Section 7-12-4342, MCA, is amended to read:

17 **"7-12-4342. Details relating to lighting district bonds and warrants.** (1) ~~Said warrants~~ Warrants
18 or bonds ~~shall~~ issued pursuant to 7-12-4341 must be in the denomination of \$100 or fractions or multiples
19 ~~thereof~~ of \$100 and may be issued in installments.

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22 must bear interest from the date of registration ~~thereof~~ of the warrants or bonds until called for redemption
23 or paid in full, interest to be payable annually on January 1 of each year as expressed by the interest
24 coupon attached ~~thereto~~ to the warrant or bond, which may bear the engraved facsimile signature of the
25 mayor and city clerk.

26 (3) ~~Such~~ The warrants or bonds may extend over a period not to exceed ~~8~~ 20 years.

27 (4) The requirements of ~~this section and~~ 7-12-4341 ~~shall~~ and this section apply to all special
28 improvement lighting districts, including those ~~now~~ in the process of formation or to be formed ~~hereafter~~
29 on or after [the effective date of this act]."
30

30

1 **Section 4.** Section 7-12-4354, MCA, is amended to read:

2 **"7-12-4354. Minor modifications exempt.** Nothing in 7-12-4351 through 7-12-4354 prevents the
3 city or town council from eliminating unnecessary lights, relocating individual lights, upgrading lights and
4 lighting-related facilities in the interest of energy conservation, or making other minor modifications in a
5 special improvement lighting district without following the procedures described in 7-12-4351 through
6 7-12-4353. For the purposes of this section, "minor modifications" includes but is not limited to adding
7 properties or lights if the additions:

8 (1) reduce assessments within the maintenance district; or

9 (2) increase the ~~assessment on a property~~ **AVERAGE ASSESSMENTS WITHIN THE MAINTENANCE**
10 **DISTRICT** by 3% or less in a fiscal year."

11

12 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 1997.

13

-END-

1 HOUSE BILL NO. 197

2 INTRODUCED BY KRENZLER, LYNCH, CRIPPEN, KEATING

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN PROVISIONS RELATING TO LIGHTING
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 7 TERMINATION OF A LIGHTING DISTRICT BY A MAJORITY VOTE OF A CITY OR TOWN COUNCIL AS
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1 boundaries."

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2 **"7-12-4354. Minor modifications exempt.** Nothing in 7-12-4351 through 7-12-4354 prevents the
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10 **DISTRICT** by 3% or less in a fiscal year."

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12 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 1997.

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-END-

HOUSE BILL NO. 197

INTRODUCED BY KRENZLER, LYNCH, CRIPPEN, KEATING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN PROVISIONS RELATING TO LIGHTING DISTRICTS; CLARIFYING THAT THE MAILING ADDRESS FOR PROPERTY ASSESSMENT PURPOSES IS THE APPROPRIATE MAILING ADDRESS WITH RESPECT TO CREATING A LIGHTING DISTRICT; ALLOWING THE TERMINATION OF A LIGHTING DISTRICT BY A MAJORITY VOTE OF A CITY OR TOWN COUNCIL AS WELL AS BY A PETITION OF PROPERTY OWNERS; INCREASING FROM 8 YEARS TO 20 YEARS THE PERIOD OVER WHICH A LIGHTING DISTRICT BOND MAY BE AMORTIZED; CLARIFYING THE MEANING OF "MINOR MODIFICATIONS" TO A LIGHTING DISTRICT; AND AMENDING SECTIONS 7-12-4303, 7-12-4311, 7-12-4342, AND 7-12-4354, MCA; AND PROVIDING AN EFFECTIVE DATE."

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7 the district, asking that the maintenance and operation of ~~each~~ the special lighting system and the
8 furnishing of electrical current ~~therefor in such~~ in the district be discontinued, or if a majority of the city or
9 town council votes to discontinue a special improvement lighting district, the city or town council shall, by
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16 Section 3. Section 7-12-4342, MCA, is amended to read:

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30

1 **Section 4.** Section 7-12-4354, MCA, is amended to read:

2 **"7-12-4354. Minor modifications exempt.** Nothing in 7-12-4351 through 7-12-4354 prevents the
3 city or town council from eliminating unnecessary lights, relocating individual lights, upgrading lights and
4 lighting-related facilities in the interest of energy conservation, or making other minor modifications in a
5 special improvement lighting district without following the procedures described in 7-12-4351 through
6 7-12-4353. For the purposes of this section, "minor modifications" includes but is not limited to adding
7 properties or lights if the additions:

8 (1) reduce assessments within the maintenance district; or

9 (2) increase the ~~assessment on a property~~ AVERAGE ASSESSMENTS WITHIN THE MAINTENANCE
10 DISTRICT by 3% or less in a fiscal year."

11

12 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 1997.

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-END-