

# HOUSE BILL No. 1201

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-9-9-7.

**Synopsis:** Municipal street light contracts. Requires a contract or an order for the operation and maintenance of municipal street lights that is entered into or amended after June 30, 2013, to establish a procedure for issuing a refund to the municipality and, if applicable, the county, for nonfunctioning street lights.

**Effective:** July 1, 2013.

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## Errington

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January 10, 2013, read first time and referred to Committee on Local Government.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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# HOUSE BILL No. 1201



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-9-9-7 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2013]: Sec. 7. **(a)** The municipality shall make
- 3 to the utility operating the lighting system all payments required to be
- 4 made to the utility for its service, in strict accordance with the terms of
- 5 the contract or order under which the utility is operating. The
- 6 municipality shall make the payments from its general fund or from a
- 7 fund set aside for street lighting purposes, and shall be reimbursed for
- 8 payments made in behalf of property owners by the collection of the
- 9 assessments as provided in this chapter.
- 10 **(b) A contract or order described in subsection (a) that is**
- 11 **entered into or amended after June 30, 2013, must establish a**
- 12 **procedure for issuing a refund to the municipality for**
- 13 **nonfunctioning street lights. The procedure must include the**
- 14 **following:**
- 15 **(1) A requirement that the municipality notify the utility in**
- 16 **writing of the location of the nonfunctioning street lights.**
- 17 **(2) A reasonable period of not more than thirty (30) days**



1           **during which the utility must repair the nonfunctioning street**  
2           **lights.**  
3           **(3) A formula to calculate the amount of the refund owed to**  
4           **the municipality, based on the number of nonfunctioning**  
5           **street lights and the number of days the street lights were**  
6           **nonfunctioning.**  
7           **(4) If a county pays for maintenance or operation of any or all**  
8           **of the nonfunctioning street lights under IC 36-9-10-4, a**  
9           **method to allocate to the county a proportionate share of the**  
10           **refund calculated under subdivision (3).**

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