

HOUSE BILL NO. 859

Introduced: 02/15/83

Referred to Committee on Local Government: 02/15/83

Hearing: 2/19/83

Report: 02/21/83, Do Pass, As Amended

2nd Reading: 02/22/83, Do pass

3rd Reading: 02/23/83, Do Pass

Transmitted to Senate: 02/23/83

Referred to Committee on Local Government: 3/1/83

Hearing: 3/12/83

Died in Senate Committee

1 *House* BILL NO. *859*
 2 INTRODUCED BY *Weldon*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY
 5 STANDARDIZE NOTICE REQUIREMENTS RELATING TO THE CONDUCT OF
 6 BUSINESS OF LOCAL GOVERNMENT UNITS OTHER THAN
 7 MUNICIPALITIES; AMENDING SECTIONS 7-2-2704, 7-2-2756,
 8 7-4-2307, 7-5-2301, 7-6-2326, 7-6-2342, 7-6-2605, 7-8-101,
 9 7-8-2212, 7-8-2216, 7-8-2302, 7-8-2511, 7-11-228, 7-13-145,
 10 7-13-208, 7-13-2804, 7-13-2345, 7-14-2706, 7-14-4630,
 11 7-15-2103, 7-16-2324, 7-21-3422, 7-22-2212, 7-22-2446,
 12 7-33-2102, 7-34-2153, 7-34-2157, 7-34-2162, 7-35-2102, AND
 13 7-35-2115, MCA."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 16 NEW SECTION. Section 1. Publication and content of
 17 notice. Unless otherwise specifically provided, whenever a
 18 local government unit other than a municipality is required
 19 to give notice by publication, the following applies:
 20 (1) Publication must be in a newspaper meeting the
 21 qualifications of subsection (2), except that in a county
 22 where no newspaper meets these qualifications, publication
 23 must be made in a qualified newspaper in an adjacent county
 24 or if there is no qualified newspaper in an adjacent county,
 25 publication must be made by posting the notice in three

1 public places in the county, designated by resolution of the
 2 governing body.
 3 (2) The newspaper must be:
 4 (a) of general paid circulation with a second-class
 5 mailing permit;
 6 (b) published at least once a week;
 7 (c) published in the county where the hearing or other
 8 action will take place.
 9 (3) In the case of a contract award, the newspaper
 10 must have been published continuously in the county for the
 11 12 months preceding the awarding of the contract.
 12 (4) If a person is required by law or ordinance to pay
 13 for publication, the payment must be received before the
 14 publication may be made.
 15 (5) The notice must be published twice with at least 6
 16 days separating publication. The first publication must be
 17 no more than 21 days prior to the action and the last no
 18 less than 3 days prior to the action.
 19 (6) The published notice must contain:
 20 (a) the date, time, and place at which the hearing or
 21 other action will occur;
 22 (b) a brief statement of the action to be taken;
 23 (c) the address and telephone number of the person who
 24 may be contacted for further information on the action to be
 25 taken; and

-2- INTRODUCED BILL

HB 859

(1) any other information required by the specific section requiring notice.

(7) A published notice required by law may be supplemented by a radio or television broadcast of the notice in the manner prescribed in 2-3-105.

~~NEW SECTION.~~ Section 2. Mail notice. (1) Unless otherwise specifically provided, whenever a local government unit other than a municipality is required to give notice of a hearing or other official act by mail, the requirement may be met by:

(a) deposit of the notice, properly addressed, in the United States mail with postage paid at the first-class rate;

(b) sending the notice by certified mail rather than first class; or

(c) mailing the notice at the bulk rate instead of first class when notice is to be given by mail to all electors or residents of the affected local government unit.

(2) The notice shall contain:

(a) the date, time, and place at which the hearing or other action will be taken;

(b) a brief statement of the action to be taken;

(c) the address and telephone number of the person who may be contacted for further information on the action to be taken; and

(1) any other information required by the specific section requiring mail notice.

(3) When notice by mail is required, the requirement applies only to persons whose addresses are known.

Section 3. Section 7-2-2704, MCA, is amended to read:

"7-2-2704. Hearing on petition by county commissioners

-- notice. (1) Whenever any such petition is presented to

the board of county commissioners of a county with a

certificate of the election administrator attached thereto

and showing that the petition has been signed by not less

than 35% of the registered electors of the county whose

names appear upon the registration records of the county, as

provided in 7-2-2702 and 7-2-2703, the board shall,

immediately upon presentation of the petition, make and

enter an order in its minutes fixing a day for considering

and taking final action on the petition. The date for final

action shall be not less than 30 or more than 35 days after

the date when the order is made.

(2) The board shall cause a notice to be published in

~~the official newspaper of the county as provided in [section~~

~~1]~~ to the effect that the petition has been presented to the

board asking for the abandonment and abolishment of the

county and that ~~the board will meet at the time specified in~~

~~the order for considering and taking final action on the~~

~~petition at which time~~ any registered electors of the

1 county interested therein may appear and be heard thereon.
 2 ~~the notice shall be published once a week for 2 successive~~
 3 ~~weeks immediately following the making of the order."~~

4 Section 4. Section 7-2-2756, MCA, is amended to read:

5 "7-2-2756. Sale of acquired real property. (1) No real
 6 estate may be sold by the board of county commissioners
 7 unless the property has been appraised within 1 year
 8 immediately prior to the date of sale by three taxpayers who
 9 reside within the territory of the abandoned and abolished
 10 county and who were appointed by the judge of the district
 11 court to which the county is attached, on petition of the
 12 board of such county. Every sale of real estate shall be
 13 made at public sale, and notice shall be published in ~~the~~
 14 ~~official newspaper of the county once a week for at least 2~~
 15 ~~weeks immediately prior to the date for holding the same as~~
 16 ~~provided in [section 1].~~ No such real estate shall be sold
 17 for a price less than 90% of the appraised value thereof.

18 (2) The full purchase price of any real estate so sold
 19 shall not be required to be made in one payment; but the
 20 purchaser thereof may pay the same in four installments, the
 21 first of which shall be not less than 25% of the purchase
 22 price, to be paid at the time of purchase, with the
 23 remainder to be paid in three equal annual installments with
 24 interest thereon at not less than 5% per annum. Whenever
 25 the purchase price of any real estate is to be paid in

1 installments, the board shall enter into a contract with the
 2 purchaser thereof, and such contract shall be recorded in
 3 the office of the county clerk. When payment in full has
 4 been made for real estate, the chairman of the board shall
 5 execute and deliver the proper bill of sale or deed to the
 6 purchaser or his successor in interest.

7 (3) All real estate sold, with any improvements
 8 thereon, shall be subject to assessment and taxation
 9 annually to the purchaser or his successor in interest at a
 10 value equal to the amount paid on the purchase price thereof
 11 until the purchase price is fully paid, when such real
 12 estate shall be assessed at its full cash value. Any and all
 13 improvements placed on any such real estate after its
 14 purchase shall be subject to assessment and taxation at the
 15 full cash value thereof."

16 Section 5. Section 7-4-2307, MCA, is amended to read:

17 "7-4-2307. Notice of hearing. (1) The county clerk or
 18 clerks shall cause notice of the hearing required by
 19 7-4-2306 to be published ~~one time in the official newspaper~~
 20 ~~of the county which publication must be at least 10 days~~
 21 ~~before the date set for said hearing if there is no~~
 22 ~~newspaper of general circulation printed and published in~~
 23 ~~said county, then such notice must be posted by the county~~
 24 ~~clerk or clerks at least 10 days before the date set for~~
 25 ~~such hearing in three public places in the county or~~

1 ~~counties as provided in [section 1].~~

2 (2) Said notice shall either contain a copy of said
3 petition, with the signatures omitted, or a copy of the
4 resolution of intent passed by the board or boards of county
5 commissioners and shall state ~~the time and place fixed for~~
6 ~~hearing the same and that on such hearing, that~~ any taxpayer
7 of the county may appear and be heard in support of or in
8 opposition to said petition."

9 Section 6. Section 7-5-2301, MCA, is amended to read:

10 "7-5-2301. Competitive, advertised bidding required
11 for certain large purchases or construction contracts. (1)
12 Except as provided in 7-5-2304, no contract for the purchase
13 of any vehicle, road machinery, or other machinery,
14 apparatus, appliances, or equipment or for any materials or
15 supplies of any kind for which must be paid a sum in excess
16 of \$10,000 or for the construction of any building, road, or
17 bridge for which must be paid a sum in excess of \$10,000 or
18 for the repair or maintenance of any building, road, or
19 bridge for which must be paid a sum in excess of \$25,000
20 shall be entered into by a county governing body without
21 first publishing a notice calling for bids for furnishing
22 the same.

23 (2) The notice must be published ~~in the official~~
24 ~~newspaper of the county at least once a week for 3~~
25 ~~consecutive weeks before the date fixed therein for~~

1 ~~receiving bids as provided in [section 1].~~

2 (3) Every such contract shall be let to the lowest and
3 best responsible bidder."

4 Section 7. Section 7-6-2326, MCA, is amended to read:

5 "7-6-2326. Transfer of cash balance in fund at close
6 of fiscal year. (1) After a public hearing, if the cash
7 balance remaining at the end of a fiscal year in any of the
8 several county funds except the school fund, exceeds the
9 amount to be budgeted to that fund, the excess may be
10 transferred to other funds as the county commissioners
11 consider to be in the best interest of the county.

12 (2) Notice of the hearing must be given ~~not less than~~
13 ~~30 days prior to the hearing by publication in a newspaper~~
14 ~~of general circulation in the county and by posting in five~~
15 ~~public places. The notice must state the date, time, and~~
16 ~~place of the hearing as provided in [section 1] and shall~~
17 state generally the purpose and proposed use of the funds."

18 Section 8. Section 7-6-2342, MCA, is amended to read:

19 "7-6-2342. Procedure to make expenditures and incur
20 liabilities in case of other emergencies. (1) In a public
21 emergency other than those described in 7-6-2341 and which
22 could not reasonably have been foreseen at the time of
23 making the budget, the board of county commissioners, by
24 unanimous vote of the members present at any meeting (the
25 time and place of which all the commissioners shall have had

reasonable notice), shall adopt and enter upon their minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet the emergency.

(2) The board shall publish the resolution, together with a notice ~~as provided in [section 11]~~ that a public hearing will be held on the resolution ~~at the time and place designated in the notice once in the official newspaper of the county and if there is noney then in a newspaper of general circulation in the county. The hearing may not be less than 1 week after the date of publication.~~

(3) Any taxpayer or resident of the county may appear at the hearing and be heard for or against the expenditure of money for the alleged emergency.

(4) (a) Upon the conclusion of the hearing, if the commissioners approve the emergency expenditure, they shall make and enter upon their official minutes, by unanimous vote of all of the members of the board present at the meeting, an order setting forth the facts constituting the emergency, together with the amount of expenditure authorized therefor by them. Subject to the limitations of subsection (4)(b), the order is lawful authorization for them to expend such amount, but no more, for such purpose.

(b) No expenditure may be made or liability incurred pursuant to the order until 5 days, exclusive of the day of

entry of the order, elapse."

Section 9. Section 7-6-2605, MCA, is amended to read:

*7-6-2605. Call for payment of warrants drawing interest. (1) When there is sufficient money to pay the warrants drawing interest, the treasurer must give notice in ~~some newspaper published in his county or if none is published then by written notice posted upon the courthouse door, stating therein as provided in [section 11]~~ that he is ready to pay such warrants.

(2) In advertising warrants under the provisions of this section in any newspaper, the treasurer must not publish the warrants in detail but give notice only that county warrants presented for payment prior to such date, stated in the notice are payable. When only a part of the warrants presented for payment on the same day are payable, the treasurer must designate such payable warrants in the advertisement.

(3) Such warrants cease to draw interest from the first publication or posting of such notice.

(4) (a) If such warrants be not re-presented for payment within 60 days from the time the notice hereinbefore provided for is given, the fund set aside for the payment of the same must be applied by the treasurer to the payment of unpaid warrants next in order of registry.

(b) The board of county commissioners may, on

1 application and presentation of warrants, properly endorsed,
2 which have been advertised, pass an order directing the
3 treasurer to pay them out of any money in the treasury not
4 otherwise appropriated."

5 Section 10. Section 7-8-101, MCA, is amended to read:

6 "7-8-101. Authorization to transfer property between
7 certain governmental entities. (1) A county, upon first
8 passing a resolution of intent to do so and upon giving
9 notice of such intent by publication ~~once-a-week-for-3-weeks~~
10 ~~in-a-newspaper--published-in-such-city-town-or-county-in~~
11 ~~which-located as provided in [section 1]~~, shall have power
12 to sell or trade to any city, town, or political
13 subdivision, as the interests of its inhabitants require,
14 any property, however held or acquired, which is not
15 necessary for the conduct of the county business, without an
16 ordinance, public notice, public auction, bids, or
17 appraisal. Proceeds, if any, shall be distributed according
18 to law. Such transactions shall be made by resolution of the
19 county commissioners involved and entered in the minutes of
20 the regular or special meetings.

21 (2) A city or town, upon first passing a resolution of
22 intent to do so and upon giving notice of such intent by
23 publication once a week for 3 weeks in a newspaper published
24 in such city or town or county in which located, shall have
25 power to sell or trade to any county or political

1 subdivision, as the interests of its inhabitants require,
2 any property, however held or acquired, which is not
3 necessary for the conduct of the city or town business,
4 without an ordinance, public notice, public auction, bids,
5 or appraisal. Proceeds, if any, shall be distributed
6 according to law. Such transactions shall be made by
7 resolution of the councils or commissions involved and
8 entered in the minutes of the regular or special meetings.

9 (3) (a) A county shall have power to trade with or
10 purchase from any city, town, or political subdivision such
11 property without an appraisal of the property traded or
12 purchased.

13 (b) A city or town shall have power to trade with or
14 purchase from any county or political subdivision such
15 property without an appraisal of the property traded or
16 purchased."

17 Section 11. Section 7-8-2212, MCA, is amended to read:

18 "7-8-2212. Notice of sale and public auction required
19 for certain sales. Unless otherwise provided, if the real or
20 personal property sought to be sold is reasonably of a value
21 in excess of \$100 for real property or \$2,500 for personal
22 property, the sale shall be at public auction at the
23 courthouse door after previous notice given by publication
24 ~~in-a-newspaper-published-in-said-county-The-notice-shall-be~~
25 ~~published-once-a-week-for-4-successive-weeks-and-posted-in~~

1 ~~five public places in the county as provided in [section~~
2 ~~11]."~~

3 Section 12. Section 7-8-2216, MCA, is amended to read:

4 "7-8-2216. Sale of county property to school district.

5 (1) The board of county commissioners shall have the power
6 to sell directly to the school district, without the
7 necessity of a public auction, any real or personal
8 property, however acquired, belonging to the county and
9 which is not necessary to the conduct of the county's
10 business or the preservation of its property, for its
11 appraised value, which shall represent a fair market value
12 of such property.

13 (2) If the property to be sold to the school district
14 is reasonably of a value in excess of \$100 for real property
15 and \$2,500 for personal property, notice of the sale shall
16 be given ~~publication in a newspaper in said county. The~~
17 ~~notice shall be published once a week for 4 successive weeks~~
18 ~~and posted in five public places in the county as provided~~
19 ~~in [section 11]."~~

20 Section 13. Section 7-8-2302, MCA, is amended to read:

21 "7-8-2302. Notice of sale of tax-deed lands. (1)
22 ~~Thirty days' notice~~ Notice of the sale provided for in
23 7-8-2301 shall be given by publication ~~in a newspaper~~
24 ~~printed in the county. Such notice shall be published once a~~
25 ~~week for 3 consecutive weeks and as provided in [section 11]~~

1 ~~except that the notice~~ shall also be posted in at least
2 three public places in the county.

3 (2) Posted and published notice shall be signed by the
4 county clerk, and one notice may include a list of all lands
5 to be sold, the appraised value of the same, and the time
6 and place of sale. The fair market value as determined
7 under 7-8-2301 shall be stated in the notice of sale."

8 Section 14. Section 7-8-2511, MCA, is amended to read:

9 "7-8-2511. Procedure for sale of county lands. (1) The
10 board shall make an order for public auction of any lands
11 classified for sale. Such sale shall be held at the front
12 door of the county courthouse.

13 (2) Notice of the sale shall be given by publishing a
14 ~~notice in a newspaper published in the county once a week~~
15 ~~for 3 consecutive weeks preceding the date fixed for the~~
16 ~~sale. The first publication of the notice shall be made not~~
17 ~~more than 30 days prior to the sale date. If there is no~~
18 ~~newspaper published in the county, the notice shall be given~~
19 ~~by posting copies at three of the most public places in the~~
20 ~~county at least 20 days but not more than 30 days preceding~~
21 ~~the sale date as provided in [section 11]. The notices~~
22 ~~notice~~ shall describe the land to be sold and the appraised
23 value thereof.

24 (3) No sale may be made for less than the appraised
25 value of the land, as fixed by the board. The sale shall be

for cash or on such terms as the board may approve provided at least 20% of the purchase price shall be paid in cash.

(4) The lessee, permittee, or licensee of any of the lands then subject to a lease, permit, or license shall have a preference to purchase the lands at an amount equal to that bid by the highest bidder at the sale."

Section 15. Section 7-11-228, MCA, is amended to read:

"7-11-228. Public hearings on proposed program -- notice. Notice of hearings shall be published once each week for ~~at least two weeks preceding a hearing in at least one newspaper of general circulation in the county.~~ The notice shall state the time and place of the hearing as provided in [section 1]."

Section 16. Section 7-13-145, MCA, is amended to read:

"7-13-145. Hearing and notice on tax levy for operation and maintenance. (1) Not less than 30 days prior to the date of making the levy for operation and maintenance of the system, the county commissioners will hold a public hearing on the resolution.

(2) Notice clearly setting forth the subject matter of the hearing ~~and the date and place thereof will~~ shall be given by the commissioners by publication ~~in a newspaper published and circulated in the county wherein the district is located once a week for 3 consecutive weeks~~ the as provided in [section 1], except that the notice shall also

be posted in three public places within the district."

Section 17. Section 7-13-208, MCA, is amended to read:

"7-13-208. Notice of resolutions of intention and concurrence -- hearing. (1) The commissioners must give notice of the passage of the resolution of intention and resolution of concurrence, if applicable, and a notice describing the general characteristics of the collection system and proposed fees to be charged for the service, designating the time and place where the commissioners will hear and pass upon protests made against the operation of the proposed district and stating that a description of the boundaries for the proposed district is included in the resolution on file in the county clerk's office.

(2) The notice shall be published ~~in the newspaper published nearest to the place where the proposed district is to be created for 10 consecutive days in a daily newspaper or in two issues of a weekly newspaper and as provided in [section 1], except that the notice shall also~~ be posted in three public places within the boundaries of the proposed district.

(3) A copy of ~~the notice~~ shall be mailed by first class mail as provided in [section 2] to every person, firm, or corporation having real property within the proposed district listed upon the last completed assessment list for county taxes the same day the notice is first

1 published."

2 Section 18. Section 7-13-2304, MCA, is amended to
3 read:

4 "7-13-2304. Notice of intention to levy tax. (1) When
5 the written estimate of the amount of money required has
6 been delivered to the board of county commissioners, said
7 board shall give notice of its intention to levy and collect
8 a tax sufficient for the payment thereof.

9 (2) Such notice shall be given:

10 (a) by posting notice thereof in five public places
11 within the county and within the boundaries of the lands
12 upon which the tax is to be levied;

13 (b) by publishing a copy of the notice ~~once each week~~
14 ~~for 2 consecutive weeks in a newspaper published in each~~
15 ~~county wherein the district is located as provided in~~
16 ~~[section 1]; and~~

17 (c) by forwarding, by ~~regular first class~~ mail or
18 ~~registered or certified mail as provided in [section 2]~~ at
19 least 10 days prior to the hearing provided for in
20 7-13-2306(4), a copy of the notice addressed to the owners
21 of taxable real property within the district as shown by the
22 current assessment book on file in the office of the
23 assessor of the county or counties the boundaries of which
24 include taxable real property of the district."

25 Section 19. Section 7-13-2345, MCA, is amended to

1 read:

2 "7-13-2345. Hearing and notice on petition to exclude
3 land. (1) Upon the filing of such petition with the
4 secretary of the district, he shall call a meeting of the
5 board of directors of the district at a time not less than
6 25 days or more than 50 days after the filing of the
7 petition and cause a notice of the filing of such petition
8 to be published ~~once each week for 2 consecutive weeks in a~~
9 ~~newspaper of general circulation published in each county in~~
10 ~~which the district is situated as provided in [section 1].~~
11 Such notice shall also state the date of the filing of such
12 petition and that the same will come on for hearing before
13 the board of directors of the district ~~and shall state the~~
14 ~~time of the hearing and the place thereof.~~

15 (2) Any landowner or taxpayer within the district
16 shall have the right to appear at said hearing, either in
17 behalf of or in opposition to the granting of said petition.
18 Said petition shall come on for hearing before the board of
19 directors of the district at the time and place specified in
20 the notice of hearing.

21 (3) (a) Except as provided in subsection (3)(b), the
22 place of the hearing shall be the regular meeting place of
23 the board of directors of the district.

24 (b) The board may adjourn the hearing to a more
25 convenient meeting place within the district."

Section 20. Section 7-14-2706, MCA, is amended to read:

"7-14-2706. Notice of meeting. (1) The county clerk shall immediately notify the county road superintendent of the meeting and shall cause a notice thereof to be printed in the newspaper published nearest to the vicinity of the road. The notice shall be published for 3 consecutive weeks prior to the time of the meeting as provided in [section 1].

(2) The notice shall state the time and place of the meeting and in general terms the kind of construction or improvement sought and the place of beginning, intermediate points, and termination."

Section 21. Section 7-14-4630, MCA, is amended to read:

"7-14-4630. Notice for bids to lease parking facility.

(1) The notice required by 7-14-4629(1) shall consist of the publication of a notice as provided in [section 1] inviting bids, with two or more insertions thereof, not less than 5 days apart, in a newspaper of general circulation printed and published in such city or city and county. The publication shall be commenced not less than 15 days prior to the date set in the notice for the opening of bids. If there be no newspaper of general circulation printed or published therein, notice shall be given by posting copies of said notice inviting bids in at least three public places

in the city or city and county not less than 15 days prior to the date set in the notice for the opening of bids.

(2) Such notice shall distinctly and specifically describe the project and the facilities in connection therewith which are to be leased, the period of time for which said project is to be leased, and the minimum rental to be paid under such lease."

Section 22. Section 7-15-2103, MCA, is amended to read:

"7-15-2103. Notice of hearing on petition. The notice required by 7-15-2102 shall be given at the county's expense by publishing a notice at least 10 days preceding the day on which the hearing is to be held, in a newspaper having a general circulation in the county or, if there be no such newspaper, by posting such a notice in at least three public places within the county at least 10 days preceding the day on which the hearing is to be held as provided in [section 1]."

Section 23. Section 7-16-2324, MCA, is amended to read:

"7-16-2324. Sale, lease, or exchange of dedicated park lands. (1) For the purposes of this section and part 25 of chapter 8, lands dedicated to the public use for park or playground purposes under 76-3-606 and 76-3-607 or a similar statute or pursuant to any instrument not specifically

1 conveying land to a governmental unit other than a county
2 are considered county lands.

3 (2) A county may not sell, lease, or exchange lands
4 dedicated for park or playground purposes except as provided
5 under this section and part 25 of chapter 8.

6 (3) Prior to selling, leasing, or exchanging any
7 county land dedicated to public use for park or playground
8 purposes, a county shall:

9 (a) compile an inventory of all public parks and
10 playgrounds within the county;

11 (b) prepare a comprehensive plan for the provision of
12 outdoor recreation and open space within the county;

13 (c) determine that the proposed sale, lease, or
14 exchange furthers or is consistent with the county's outdoor
15 recreation and open space comprehensive plan;

16 (d) publish notice, as provided in [section 1], of
17 intention to sell, lease, or dispose of such lands, giving
18 the people of the county opportunity to be heard regarding
19 such action;

20 (e) if the land is within an incorporated city or
21 town, secure the approval of the governing body thereof for
22 the action; and

23 (f) comply with any other applicable requirements
24 under part 25 of chapter 8.

25 (4) Any revenue realized by a county from the sale,

1 exchange, or disposal of lands dedicated to public use for
2 park or playground purposes shall be paid into the park fund
3 and used in the manner prescribed in 76-3-606 and 76-3-607
4 for cash received in lieu of dedication."

5 Section 24. Section 7-21-3422, MCA, is amended to
6 read:

7 "7-21-3422. Notice of intention to create fair
8 district -- hearing. Notice of the resolution of intent to
9 create a fair district shall be published ~~in two regular~~
10 ~~weekly issues of a newspaper in the county setting forth~~
11 ~~the date on which as provided in [section 1], stating that a~~
12 hearing shall be had on the resolution by the taxpayers and
13 residents of the county and ~~at which time that~~ objections
14 will be heard."

15 Section 25. Section 7-22-2212, MCA, is amended to
16 read:

17 "7-22-2212. Notice of hearing. Upon setting a date for
18 the hearing, the governing body shall give notice of the
19 hearing in the following manner:

20 (1) notice is to be sent by certified mail to each
21 owner of land within the proposed district at the last-known
22 address as shown in the county records;

23 (2) notice is to be posted in at least three public
24 places within the proposed district; and

25 (3) notice is to be published ~~in at least two issues~~

of a newspaper of general circulation in the proposed district with at least 7 days between publication, and the first publication must be at least 10 days before the hearing date as provided in [section 1]."

Section 26. Section 7-22-2446, MCA, is amended to read:

"7-22-2446. Hearing on petition for dissolution -- notice. Upon the filing of a petition for dissolution, the board of county commissioners shall set a time for hearing the petition and shall cause notice thereof to be mailed as provided in [section 2] to all nonresident property owners within the district whose addresses are known, to be posted in at least three public places within the district, and to be published at least once in the official newspaper of the county published in the district, the posting and publication to be at least 10 days before the date of hearing as provided in [section 1]. Whenever the district is partly in one county and partly in another county, notice must be posted in each county, but posting need not be in three places in each county, and notice must be published in the official newspaper of each county."

Section 27. Section 7-33-2102, MCA, is amended to read:

"7-33-2102. Notice of hearing. The board shall, within 10 days after the receipt of the petition, give notice of

the hearing thereof at least 10 days prior to the hearing:

(1) by mailing a copy of the notice by first-class mail as provided in [section 2] to each freeholder in the district at the address shown in the assessment roll;

(2) by causing notices of the time and place of such hearing to be posted in at least three of the most public places within the area proposed to be established as a fire district; and

(3) by publishing the notice at least once, not less than 10 or more than 20 days prior to the time of the hearing, in a newspaper regularly published in the county in which such proposed district is situated as provided in [section 1]."

Section 28. Section 7-34-2153, MCA, is amended to read:

"7-34-2153. Hearing on petition for annexation -- notice. (1) At the first regular meeting after the presentation of said petition, said board of county commissioners shall cause notice of said petition to be published in two successive issues of a newspaper published in the county as provided in [section 1] prior to the date fixed by said board for the hearing of said petition, which date shall be not less than 4 weeks after the filing of such petition.

(2) Upon the date fixed for such hearing or

1 continuance thereof, said board shall take up and consider
2 said petition and any objections which may be filed to the
3 inclusion of any additional area or territory in said
4 district."

5 Section 29. Section 7-34-2157, MCA, is amended to
6 read:

7 "7-34-2157. Hearing on petition for withdrawal --
8 notice. (1) The board of county commissioners shall, upon
9 the filing of such a petition, fix a time for the hearing of
10 such withdrawal petition, which time shall not be more than
11 4 weeks after the receipt thereof.

12 (2) Any interested person may appear at said hearing
13 and present objections to the withdrawal of said portion
14 from said district.

15 (3) The board shall, ~~at least 2 weeks prior to the~~
16 ~~time so fixed,~~ publish a notice of such hearing ~~in two~~
17 ~~successive issues of a newspaper published in the county as~~
18 ~~provided in [section 1]."~~

19 Section 30. Section 7-34-2162, MCA, is amended to
20 read:

21 "7-34-2162. Hearing on petition for dissolution --
22 notice. Upon the filing of such petition, the board of
23 county commissioners shall set a time for hearing the same
24 and shall cause notice thereof to be posted in at least
25 three separate public places within said district for at

1 least 2 weeks prior to the hearing. The notice shall also be
2 published ~~for at least two successive issues in a newspaper~~
3 ~~published in the county prior to such hearing as provided in~~
4 ~~[section 1]."~~

5 Section 31. Section 7-35-2102, MCA, is amended to
6 read:

7 "7-35-2102. Notice of hearing on creation of district.
8 (1) The board of county commissioners shall cause notice to
9 be given of the time and place of said hearing by
10 publication as ~~prescribed by law for not less than 2 weeks~~
11 ~~prior to the time of said hearing provided in [section 1].~~

12 (2) Said notice shall state that any person residing
13 in or owning property within said proposed district or
14 within any existing cemetery district, any part of the
15 territory of which is described in said petition, may appear
16 before said board at the hearing and show cause why the
17 district should not be created or the proposed boundaries
18 changed."

19 Section 32. Section 7-35-2115, MCA, is amended to
20 read:

21 "7-35-2115. Notice and hearing on alteration of
22 boundaries. (1) At the first regular meeting after the
23 presentation of said petition, said board of county
24 commissioners shall cause notice of said petition to be
25 published ~~according to law for 2 weeks prior to the date to~~

1 ~~be--fixed--by--said--board--for--the--hearing--of--said--petition as~~
2 ~~provided in [section 1].~~

3 (2) Upon the date fixed for such hearing or
4 continuance thereof, said board shall take up and consider
5 said petition and any objections which may be filed to the
6 inclusion of any property in said district.

7 (3) Said board shall have the power, by order entered
8 on its minutes, to grant said petition either in whole or in
9 part and to alter the boundaries of said public cemetery
10 district and to annex thereto all or such portion of said
11 territory described in said petition as will be benefited
12 thereby."

13 NEW SECTION. Section 33. Codification Instruction.
14 Sections 1 and 2 are intended to be codified as an integral
15 part of Title 7, and the provisions of Title 7 apply to
16 sections 1 and 2.

17 NEW SECTION. Section 34. Severability. If a part of
18 this act is invalid, all valid parts that are severable from
19 the invalid part remain in effect. If a part of this act is
20 invalid in one or more of its applications, the part remains
21 in effect in all valid applications that are severable from
22 the invalid applications.

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 859

INTRODUCED BY WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY
STANDARDIZE NOTICE REQUIREMENTS RELATING TO THE CONDUCT OF
BUSINESS OF LOCAL GOVERNMENT UNITS OTHER THAN
MUNICIPALITIES; AMENDING SECTIONS 7-2-2704, 7-2-2756,
7-4-2307, 7-5-2301, 7-6-2326, 7-6-2342, 7-6-2605, 7-8-101,
7-8-2212, 7-8-2216, 7-8-2302, 7-8-2511, 7-11-228, 7-13-145,
7-13-208, 7-13-2304, 7-13-2345, 7-14-2706, 7-14-4630,
7-15-2103, 7-16-2324, 7-21-3422, 7-22-2212, 7-22-2446,
7-33-2102, 7-34-2153, 7-34-2157, 7-34-2162, 7-35-2102, AND
7-35-2115, MCA."

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

NEW SECTION. Section 1. Publication and content of
notice. Unless otherwise specifically provided, whenever a
local government unit other than a municipality is required
to give notice by publication, the following applies:

(1) Publication must be in a newspaper meeting the
qualifications of subsection (2), except that in a county
where no newspaper meets these qualifications, publication
must be made in a qualified newspaper in an adjacent county
or if there is no qualified newspaper in an adjacent county,
publication must be made by posting the notice in three

public places in the county, designated by resolution of the
governing body.

(2) The newspaper must be THE NEWSPAPER AS PROVIDED
IN 7-5-2111

~~(a) of general paid circulation with a second class
mailing permit~~

~~(b) published at least once a week~~

~~(c) published in the county where the hearing or other
action will take place~~

~~(3) in the case of a contract award, the newspaper
must have been published continuously in the county for the
12 months preceding the awarding of the contract~~

~~(4)(3)~~ If a person is required by law or ordinance to
pay for publication, the payment must be received before the
publication may be made.

~~(5)(4)~~ The notice must be published twice with at
least 6 days separating publication. The first publication
must be no more than 21 days prior to the action and the
last no less than 3 days prior to the action.

~~(6)(5)~~ The published notice must contain:

(a) the date, time, and place at which the hearing or
other action will occur;

(b) a brief statement of the action to be taken;

(c) the address and telephone number of the person who
may be contacted for further information on the action to be

1 taken; and
 2 (d) any other information required by the specific
 3 section requiring notice.

4 ~~(7)(5)~~ A published notice required by law may be
 5 supplemented by a radio or television broadcast of the
 6 notice in the manner prescribed in 2-3-105.

7 NEW SECTION. Section 2. Mail notice. (1) Unless
 8 otherwise specifically provided, whenever a local government
 9 unit other than a municipality is required to give notice of
 10 a hearing or other official act by mail, the requirement may
 11 be met by:

12 (a) deposit of the notice, properly addressed, in the
 13 United States mail with postage paid at the first-class
 14 rate;

15 (b) sending the notice by certified mail rather than
 16 first class; or

17 (c) mailing the notice at the bulk rate instead of
 18 first class when notice is to be given by mail to all
 19 electors or residents of the affected local government unit.

20 (2) The notice shall contain:

21 (a) the date, time, and place at which the hearing or
 22 other action will be taken;

23 (b) a brief statement of the action to be taken;

24 (c) the address and telephone number of the person who
 25 may be contacted for further information on the action to be

1 taken; and

2 (d) any other information required by the specific
 3 section requiring mail notice.

4 (3) When notice by mail is required, the requirement
 5 applies only to persons whose addresses are known.

6 Section 3. Section 7-2-2704, MCA, is amended to read:

7 "7-2-2704. Hearing on petition by county commissioners
 8 -- notice. (1) Whenever any such petition is presented to
 9 the board of county commissioners of a county with a
 10 certificate of the election administrator attached thereto
 11 and showing that the petition has been signed by not less
 12 than 35% of the registered electors of the county whose
 13 names appear upon the registration records of the county, as
 14 provided in 7-2-2702 and 7-2-2703, the board shall,
 15 immediately upon presentation of the petition, make and
 16 enter an order in its minutes fixing a day for considering
 17 and taking final action on the petition. The date for final
 18 action shall be not less than 30 or more than 35 days after
 19 the date when the order is made.

20 (2) The board shall cause a notice to be published in
 21 ~~the official newspaper of the county~~ as provided in [section
 22 1] to the effect that the petition has been presented to the
 23 board asking for the abandonment and abolishment of the
 24 county and that ~~the board will meet at the time specified in~~
 25 ~~the order for considering and taking final action on the~~

~~petitions at which time any registered electors of the county interested therein may appear and be heard thereon. The notice shall be published once a week for two successive weeks immediately following the making of the order.~~

Section 4. Section 7-2-2756, MCA, is amended to read:

"7-2-2756. Sale of acquired real property. (1) No real estate may be sold by the board of county commissioners unless the property has been appraised within 1 year immediately prior to the date of sale by three taxpayers who reside within the territory of the abandoned and abolished county and who were appointed by the judge of the district court to which the county is attached, on petition of the board of such county. Every sale of real estate shall be made at public sale, and notice shall be published in the official newspaper of the county once a week for at least 2 weeks immediately prior to the date for holding the same as provided in [section 1]. No such real estate shall be sold for a price less than 90% of the appraised value thereof.

(2) The full purchase price of any real estate so sold shall not be required to be made in one payment; but the purchaser thereof may pay the same in four installments, the first of which shall be not less than 25% of the purchase price, to be paid at the time of purchase, with the remainder to be paid in three equal annual installments with interest thereon at not less than 5% per annum. Whenever

the purchase price of any real estate is to be paid in installments, the board shall enter into a contract with the purchaser thereof, and such contract shall be recorded in the office of the county clerk. When payment in full has been made for real estate, the chairman of the board shall execute and deliver the proper bill of sale or deed to the purchaser or his successor in interest.

(3) All real estate sold, with any improvements thereon, shall be subject to assessment and taxation annually to the purchaser or his successor in interest at a value equal to the amount paid on the purchase price thereof until the purchase price is fully paid, when such real estate shall be assessed at its full cash value. Any and all improvements placed on any such real estate after its purchase shall be subject to assessment and taxation at the full cash value thereof."

Section 5. Section 7-4-2307, MCA, is amended to read:

"7-4-2307. Notice of hearing. (1) The county clerk or clerks shall cause notice of the hearing required by 7-4-2306 to be published one time in the official newspaper of the county, which publication must be at least 10 days before the date set for said hearing, if there is no newspaper of general circulation printed and published in said county, then such notice must be posted by the county clerk or clerks, at least 10 days before the date set for

~~such hearing in three public places in the county or counties as provided in [section 1].~~

(2) Said notice shall either contain a copy of said petition, with the signatures omitted, or a copy of the resolution of intent passed by the board or boards of county commissioners and shall state ~~the time and place fixed for hearing the same and that on such hearing, that~~ any taxpayer of the county may appear and be heard in support of or in opposition to said petition."

Section 6. Section 7-5-2301, MCA, is amended to read:

"7-5-2301. Competitive, advertised bidding required for certain large purchases or construction contracts. (1) Except as provided in 7-5-2304, no contract for the purchase of any vehicle, road machinery, or other machinery, apparatus, appliances, or equipment or for any materials or supplies of any kind for which must be paid a sum in excess of \$10,000 or for the construction of any building, road, or bridge for which must be paid a sum in excess of \$10,000 or for the repair or maintenance of any building, road, or bridge for which must be paid a sum in excess of \$25,000 shall be entered into by a county governing body without first publishing a notice calling for bids for furnishing the same.

(2) The notice must be published ~~in the official newspaper of the county at least once a week for~~

~~consecutive weeks before the date fixed therein for receiving bids as provided in [section 1].~~

(3) Every such contract shall be let to the lowest and best responsible bidder."

Section 7. Section 7-6-2326, MCA, is amended to read:

"7-6-2326. Transfer of cash balance in fund at close of fiscal year. (1) After a public hearing, if the cash balance remaining at the end of a fiscal year in any of the several county funds except the school fund, exceeds the amount to be budgeted to that fund, the excess may be transferred to other funds as the county commissioners consider to be in the best interest of the county.

(2) Notice of the hearing must be given ~~not less than 30 days prior to the hearing by publication in a newspaper of general circulation in the county and by posting in five public places. The notice must state the date, time, and place of the hearing as provided in [section 1] and shall~~ state generally the purpose and proposed use of the funds."

Section 8. Section 7-6-2342, MCA, is amended to read:

"7-6-2342. Procedure to make expenditures and incur liabilities in case of other emergencies. (1) In a public emergency other than those described in 7-6-2341 and which could not reasonably have been foreseen at the time of making the budget, the board of county commissioners, by unanimous vote of the members present at any meeting (the

time and place of which all the commissioners shall have had reasonable notice), shall adopt and enter upon their minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet the emergency.

(2) The board shall publish the resolution, together with a notice as provided in [section 1] that a public hearing will be held on the resolution ~~at the time and place designated in the notice once in the official newspaper of the county and if there is none, then in a newspaper of general circulation in the county. The hearing may not be less than 2 weeks after the date of publication.~~

(3) Any taxpayer or resident of the county may appear at the hearing and be heard for or against the expenditure of money for the alleged emergency.

(4) (a) Upon the conclusion of the hearing, if the commissioners approve the emergency expenditure, they shall make and enter upon their official minutes, by unanimous vote of all of the members of the board present at the meeting, an order setting forth the facts constituting the emergency, together with the amount of expenditure authorized therefor by them. Subject to the limitations of subsection (4)(b), the order is lawful authorization for them to expend such amount, but no more, for such purpose.

(b) No expenditure may be made or liability incurred

pursuant to the order until 5 days, exclusive of the day of entry of the order, elapse."

Section 9. Section 7-6-2605, MCA, is amended to read:

*7-6-2605. Call for payment of warrants drawing interest. (1) When there is sufficient money to pay the warrants drawing interest, the treasurer must give notice in ~~some newspaper published in his county or, if none is published, then by written notice posted upon the courthouse door, stating therein as provided in [section 1]~~ that he is ready to pay such warrants.

(2) In advertising warrants under the provisions of this section in any newspaper, the treasurer must not publish the warrants in detail but give notice only that county warrants presented for payment prior to such date, stated in the notice are payable. When only a part of the warrants presented for payment on the same day are payable, the treasurer must designate such payable warrants in the advertisement.

(3) Such warrants cease to draw interest from the first publication or posting of such notice.

(4) (a) If such warrants be not re-presented for payment within 60 days from the time the notice hereinbefore provided for is given, the fund set aside for the payment of the same must be applied by the treasurer to the payment of unpaid warrants next in order of registry.

(3) The board of county commissioners may, on application and presentation of warrants, properly endorsed, which have been advertised, pass an order directing the treasurer to pay them out of any money in the treasury not otherwise appropriated."

Section 10. Section 7-8-101, MCA, is amended to read:

"7-8-101. Authorization to transfer property between certain governmental entities. (1) A county, upon first passing a resolution of intent to do so and upon giving notice of such intent by publication ~~once-a-week-for-3-weeks in-a-newspaper-published-in-such-city-town-or-county-in which-located as provided in [section 1]~~, shall have power to sell or trade to any city, town, or political subdivision, as the interests of its inhabitants require, any property, however held or acquired, which is not necessary for the conduct of the county business, without an ordinance, public notice, public auction, bids, or appraisal. Proceeds, if any, shall be distributed according to law. Such transactions shall be made by resolution of the county commissioners involved and entered in the minutes of the regular or special meetings.

(2) A city or town, upon first passing a resolution of intent to do so and upon giving notice of such intent by publication once a week for 3 weeks in a newspaper published in such city or town or county in which located, shall have

power to sell or trade to any county or political subdivision, as the interests of its inhabitants require, any property, however held or acquired, which is not necessary for the conduct of the city or town business, without an ordinance, public notice, public auction, bids, or appraisal. Proceeds, if any, shall be distributed according to law. Such transactions shall be made by resolution of the councils or commissions involved and entered in the minutes of the regular or special meetings.

(3) (a) A county shall have power to trade with or purchase from any city, town, or political subdivision such property without an appraisal of the property traded or purchased.

(b) A city or town shall have power to trade with or purchase from any county or political subdivision such property without an appraisal of the property traded or purchased."

Section 11. Section 7-8-2212, MCA, is amended to read:

"7-8-2212. Notice of sale and public auction required for certain sales. Unless otherwise provided, if the real or personal property sought to be sold is reasonably of a value in excess of \$100 for real property or \$2,500 for personal property, the sale shall be at public auction at the courthouse door after previous notice given by publication ~~in-a-newspaper-published-in-said-county-The-notice-shall-be~~

1 ~~published once a week for 4 successive weeks and posted in~~
 2 ~~five public places in the county as provided in [section~~
 3 ~~1]."~~

4 Section 12. Section 7-8-2216, MCA, is amended to read:
 5 "7-8-2216. Sale of county property to school district.

6 (1) The board of county commissioners shall have the power
 7 to sell directly to the school district, without the
 8 necessity of a public auction, any real or personal
 9 property, however acquired, belonging to the county and
 10 which is not necessary to the conduct of the county's
 11 business or the preservation of its property, for its
 12 appraised value, which shall represent a fair market value
 13 of such property.

14 (2) If the property to be sold to the school district
 15 is reasonably of a value in excess of \$100 for real property
 16 and \$2,500 for personal property, notice of the sale shall
 17 be given publication in a newspaper in said county. The
 18 notice shall be published once a week for 4 successive weeks
 19 and posted in five public places in the county as provided
 20 in [section 1]."

21 Section 13. Section 7-8-2302, MCA, is amended to read:

22 "7-8-2302. Notice of sale of tax-deed lands. (1)
 23 ~~Thirty days~~ Notice of the sale provided for in
 24 7-8-2301 shall be given by publication in a newspaper
 25 printed in the county. Such notice shall be published once a

1 week for 3 consecutive weeks and as provided in [section 1]
 2 except that the notice shall also be posted in at least
 3 three public places in the county.

4 (2) Posted and published notice shall be signed by the
 5 county clerk, and one notice may include a list of all lands
 6 to be sold, the appraised value of the same, and the time
 7 and place of sale. The fair market value as determined
 8 under 7-8-2301 shall be stated in the notice of sale."

9 Section 14. Section 7-8-2511, MCA, is amended to read:

10 "7-8-2511. Procedure for sale of county lands. (1) The
 11 board shall make an order for public auction of any lands
 12 classified for sale. Such sale shall be held at the front
 13 door of the county courthouse.

14 (2) Notice of the sale shall be given by publishing a
 15 notice in a newspaper published in the county once a week
 16 for 3 consecutive weeks preceding the date fixed for the
 17 sale. The first publication of the notice shall be made not
 18 more than 30 days prior to the sale date. If there is no
 19 newspaper published in the county, the notice shall be given
 20 by posting copies at three of the most public places in the
 21 county at least 20 days but not more than 30 days preceding
 22 the sale date as provided in [section 1]. The notices
 23 shall describe the land to be sold and the appraised
 24 value thereof.

25 (3) No sale may be made for less than the appraised

value of the land, as fixed by the board. The sale shall be for cash or on such terms as the board may approve provided at least 20% of the purchase price shall be paid in cash.

(4) The lessee, permittee, or licensee of any of the lands then subject to a lease, permit, or license shall have a preference to purchase the lands at an amount equal to that bid by the highest bidder at the sale."

Section 15. Section 7-11-228, MCA, is amended to read:

"7-11-228. Public hearings on proposed program -- notice. Notice of hearings shall be published ~~once each week for at least 2 weeks preceding a hearing, in at least one newspaper of general circulation in the county. The notice shall state the time and place of the hearing as provided in [section 1].~~"

Section 16. Section 7-13-145, MCA, is amended to read:

"7-13-145. Hearing and notice on tax levy for operation and maintenance. (1) Not less than 30 days prior to the date of making the levy for operation and maintenance of the system, the county commissioners will hold a public hearing on the resolution.

(2) Notice clearly setting forth the subject matter of the hearing ~~and the date and place thereof will~~ shall be given by the commissioners by publication ~~in a newspaper published and circulated in the county wherein the district is located once a week for 3 consecutive weeks. The~~ as

~~provided in [section 1], except that the notice shall also be posted in three public places within the district."~~

Section 17. Section 7-13-208, MCA, is amended to read:

"7-13-208. Notice of resolutions of intention and concurrence -- hearing. (1) The commissioners must give notice of the passage of the resolution of intention and resolution of concurrence, if applicable, and a notice describing the general characteristics of the collection system and proposed fees to be charged for the service, designating the time and place where the commissioners will hear and pass upon protests made against the operation of the proposed district and stating that a description of the boundaries for the proposed district is included in the resolution on file in the county clerk's office.

(2) The notice shall be published ~~in the newspaper published nearest to the place where the proposed district is to be created for 10 consecutive days in a daily newspaper or in two issues of a weekly newspaper and as provided in [section 1], except that the notice shall also be~~ posted in three public places within the boundaries of the proposed district.

(3) A copy of ~~the notice~~ shall be mailed by ~~first class mail as provided in [section 2]~~ to every person, firm, or corporation having real property within the proposed district listed upon the last completed assessment

list for county taxes the same day the notice is first published."

Section 18. Section 7-13-2304, MCA, is amended to read:

"7-13-2304. Notice of intention to levy tax. (1) When the written estimate of the amount of money required has been delivered to the board of county commissioners, said board shall give notice of its intention to levy and collect a tax sufficient for the payment thereof.

(2) Such notice shall be given:

(a) by posting notice thereof in five public places within the county and within the boundaries of the lands upon which the tax is to be levied;

(b) by publishing a copy of the notice ~~once-each-week for-2-consecutive-weeks-in-a-newspaper--published--in--each county--wherein--the--district--is--located~~ as provided in [section 1]; and

(c) by forwarding, by ~~regular--first-class~~ mail or ~~registered--or--certified-mail~~ as provided in [section 2] at least 10 days prior to the hearing provided for in 7-13-2306(4), a copy of the notice addressed to the owners of taxable real property within the district as shown by the current assessment book on file in the office of the assessor of the county or counties the boundaries of which include taxable real property of the district."

Section 19. Section 7-13-2345, MCA, is amended to read:

"7-13-2345. Hearing and notice on petition to exclude land. (1) Upon the filing of such petition with the secretary of the district, he shall call a meeting of the board of directors of the district at a time not less than 25 days or more than 50 days after the filing of the petition and cause a notice of the filing of such petition to be published ~~once-each-week-for-2-consecutive-weeks-in-a newspaper-of-general-circulation-published-in-each-county-in which-the-district-is-situated~~ as provided in [section 1]. Such notice shall also state the date of the filing of such petition and that the same will come on for hearing before the board of directors of the district ~~and-shall-state-the time-of-the-hearing-and-the-place-thereof.~~

(2) Any landowner or taxpayer within the district shall have the right to appear at said hearing, either in behalf of or in opposition to the granting of said petition. Said petition shall come on for hearing before the board of directors of the district at the time and place specified in the notice of hearing.

(3) (a) Except as provided in subsection (3)(b), the place of the hearing shall be the regular meeting place of the board of directors of the district.

(b) The board may adjourn the hearing to a more

1 convenient meeting place within the district."

2 Section 20. Section 7-14-2706, MCA, is amended to
3 read:

4 "7-14-2706. Notice of meeting. ~~(1)~~ The county clerk
5 shall immediately notify the county road superintendent of
6 the meeting and shall cause a notice thereof to be printed
7 ~~in the newspaper published nearest to the vicinity of the~~
8 ~~roads. The notice shall be published for 3 consecutive weeks~~
9 ~~prior to the time of the meeting as provided in [section 1].~~

10 ~~(2)~~ The notice shall state ~~the time and place of the~~
11 ~~meeting and in general terms the kind of construction or~~
12 ~~improvement sought and the place of beginning, intermediate~~
13 ~~points, and termination."~~

14 Section 21. Section 7-14-4630, MCA, is amended to
15 read:

16 "7-14-4630. Notice for bids to lease parking facility.
17 (1) The notice required by 7-14-4629(1) shall consist of the
18 publication of a notice as provided in [section 1] inviting
19 ~~bids, with two or more insertions thereof, not less than 5~~
20 ~~days apart, in a newspaper of general circulation printed~~
21 ~~and published in such city or city and county. The~~
22 ~~publication shall be commenced not less than 15 days prior~~
23 ~~to the date set in the notice for the opening of bids. If~~
24 ~~there be no newspaper of general circulation printed or~~
25 ~~published therein, notice shall be given by posting copies~~

1 ~~of said notice inviting bids in at least three public places~~
2 ~~in the city or city and county not less than 15 days prior~~
3 ~~to the date set in the notice for the opening of bids.~~

4 (2) Such notice shall distinctly and specifically
5 describe the project and the facilities in connection
6 therewith which are to be leased, the period of time for
7 which said project is to be leased, and the minimum rental
8 to be paid under such lease."

9 Section 22. Section 7-15-2103, MCA, is amended to
10 read:

11 "7-15-2103. Notice of hearing on petition. The notice
12 required by 7-15-2102 shall be given at the county's expense
13 by publishing a notice ~~at least 10 days preceding the day on~~
14 ~~which the hearing is to be held in a newspaper having a~~
15 ~~general circulation in the county or, if there be no such~~
16 ~~newspaper, by posting such a notice in at least three public~~
17 ~~places within the county at least 10 days preceding the day~~
18 ~~on which the hearing is to be held as provided in [section~~
19 ~~1]."~~

20 Section 23. Section 7-16-2324, MCA, is amended to
21 read:

22 "7-16-2324. Sale, lease, or exchange of dedicated park
23 lands. (1) For the purposes of this section and part 25 of
24 chapter 8, lands dedicated to the public use for park or
25 playground purposes under 76-3-606 and 76-3-607 or a similar

1 statute or pursuant to any instrument not specifically
2 conveying land to a governmental unit other than a county
3 are considered county lands.

4 (2) A county may not sell, lease, or exchange lands
5 dedicated for park or playground purposes except as provided
6 under this section and part 25 of chapter 8.

7 (3) Prior to selling, leasing, or exchanging any
8 county land dedicated to public use for park or playground
9 purposes, a county shall:

10 (a) compile an inventory of all public parks and
11 playgrounds within the county;

12 (b) prepare a comprehensive plan for the provision of
13 outdoor recreation and open space within the county;

14 (c) determine that the proposed sale, lease, or
15 exchange furthers or is consistent with the county's outdoor
16 recreation and open space comprehensive plan;

17 (d) publish notice, as provided in [section 1], of
18 intention to sell, lease, or dispose of such lands, giving
19 the people of the county opportunity to be heard regarding
20 such action;

21 (e) if the land is within an incorporated city or
22 town, secure the approval of the governing body thereof for
23 the action; and

24 (f) comply with any other applicable requirements
25 under part 25 of chapter 8.

1 (4) Any revenue realized by a county from the sale,
2 exchange, or disposal of lands dedicated to public use for
3 park or playground purposes shall be paid into the park fund
4 and used in the manner prescribed in 76-3-606 and 76-3-607
5 for cash received in lieu of dedication."

6 Section 24. Section 7-21-3422, MCA, is amended to
7 read:

8 "7-21-3422. Notice of intention to create fair
9 district -- hearing. Notice of the resolution of intent to
10 create a fair district shall be published ~~in two regular~~
11 ~~weekly issues of a newspaper in the county setting forth~~
12 ~~the date on which as provided in [section 1], stating that a~~
13 hearing shall be had on the resolution by the taxpayers and
14 residents of the county and ~~at which time that~~ objections
15 will be heard."

16 Section 25. Section 7-22-2212, MCA, is amended to
17 read:

18 "7-22-2212. Notice of hearing. Upon setting a date for
19 the hearing, the governing body shall give notice of the
20 hearing in the following manner:

21 (1) notice is to be sent by certified mail to each
22 owner of land within the proposed district at the last-known
23 address as shown in the county records;

24 (2) notice is to be posted in at least three public
25 places within the proposed district; and

(3) notice is to be published ~~in-at-least-two-issues of-a-newspaper-of-general-circulation-in-the-proposed district-with-at-least-7-days-between-publication-and-the first-publication-must-be-at-least-10-days-before-the hearing-date as provided in [section 1].~~"

Section 26. Section 7-22-2446, MCA, is amended to read:

"7-22-2446. Hearing on petition for dissolution -- notice. Upon the filing of a petition for dissolution, the board of county commissioners shall set a time for hearing the petition and shall cause notice thereof to be mailed as provided in [section 2] to all nonresident property owners within the district whose addresses are known, to be posted in at least three public places within the district, and to be published ~~at-least-once-in-the-official-newspaper-of-the county-published-in-the-district-the-posting-and publication-to-be-at-least-10-days-before-the-date-of hearing as provided in [section 1].~~ Whenever the district is partly in one county and partly in another county, notice must be posted in each county, but posting need not be in three places in each county, and notice must be published in the official newspaper of each county."

Section 27. Section 7-33-2102, MCA, is amended to read:

"7-33-2102. Notice of hearing. The board shall, within

10 days after the receipt of the petition, give notice of the hearing thereof at least 10 days prior to the hearing:

(1) by mailing a copy of the notice ~~by-first-class mail~~ as provided in [section 2] to each freeholder in the district at the address shown in the assessment roll;

(2) by causing notices of the time and place of such hearing to be posted in at least three of the most public places within the area proposed to be established as a fire district; and

(3) by publishing the notice ~~at-least-once-not-less than-10-or-more-than-20-days-prior-to-the-time-of-the hearing-in-a-newspaper-regularly-published-in-the-county-in which-such-proposed-district-is-situated as provided in [section 1].~~"

Section 28. Section 7-34-2153, MCA, is amended to read:

"7-34-2153. Hearing on petition for annexation -- notice. (1) At the first regular meeting after the presentation of said petition, said board of county commissioners shall cause notice of said petition to be published ~~in-two-successive-issues-of-a-newspaper-published in-the-county as provided in [section 1]~~ prior to the date fixed by said board for the hearing of said petition, which date shall be not less than 4 weeks after the filing of such petition.

(2) Upon the date fixed for such hearing or continuance thereof, said board shall take up and consider said petition and any objections which may be filed to the inclusion of any additional area or territory in said district."

Section 29. Section 7-34-2157, MCA, is amended to read:

"7-34-2157. Hearing on petition for withdrawal -- notice. (1) The board of county commissioners shall, upon the filing of such a petition, fix a time for the hearing of such withdrawal petition, which time shall not be more than 4 weeks after the receipt thereof.

(2) Any interested person may appear at said hearing and present objections to the withdrawal of said portion from said district.

(3) The board shall, ~~at least 2 weeks prior to the time so fixed,~~ publish a notice of such hearing ~~in two successive issues of a newspaper published in the county as provided in [section 1].~~"

Section 30. Section 7-34-2162, MCA, is amended to read:

"7-34-2162. Hearing on petition for dissolution -- notice. Upon the filing of such petition, the board of county commissioners shall set a time for hearing the same and shall cause notice thereof to be posted in at least

three separate public places within said district for at least 2 weeks prior to the hearing. The notice shall also be ~~published for at least two successive issues in a newspaper published in the county prior to such hearing as provided in [section 1].~~"

Section 31. Section 7-35-2102, MCA, is amended to read:

"7-35-2102. Notice of hearing on creation of district. (1) The board of county commissioners shall cause notice to be given of the time and place of said hearing by publication as ~~prescribed by law for not less than 2 weeks prior to the time of said hearing~~ provided in [section 1].

(2) Said notice shall state that any person residing in or owning property within said proposed district or within any existing cemetery district, any part of the territory of which is described in said petition, may appear before said board at the hearing and show cause why the district should not be created or the proposed boundaries changed."

Section 32. Section 7-35-2115, MCA, is amended to read:

"7-35-2115. Notice and hearing on alteration of boundaries. (1) At the first regular meeting after the presentation of said petition, said board of county commissioners shall cause notice of said petition to be

1 published according-to-law-for-2-weeks-prior-to-the-date--to
2 be---fixed---by-said-board-for-the-hearing-of-said-petition as
3 provided in [section 1].

4 (2) Upon the date fixed for such hearing or
5 continuance thereof, said board shall take up and consider
6 said petition and any objections which may be filed to the
7 inclusion of any property in said district.

8 (3) Said board shall have the power, by order entered
9 on its minutes, to grant said petition either in whole or in
10 part and to alter the boundaries of said public cemetery
11 district and to annex thereto all or such portion of said
12 territory described in said petition as will be benefited
13 thereby."

14 **NEW SECTION.** Section 33. Codification instruction.
15 Sections 1 and 2 are intended to be codified as an integral
16 part of Title 7, and the provisions of Title 7 apply to
17 sections 1 and 2.

18 **NEW SECTION.** Section 34. Severability. If a part of
19 this act is invalid, all valid parts that are severable from
20 the invalid part remain in effect. If a part of this act is
21 invalid in one or more of its applications, the part remains
22 in effect in all valid applications that are severable from
23 the invalid applications.

-End-

HOUSE BILL NO. 859

INTRODUCED BY WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY
STANDARDIZE NOTICE REQUIREMENTS RELATING TO THE CONDUCT OF
BUSINESS OF LOCAL GOVERNMENT UNITS OTHER THAN
MUNICIPALITIES; AMENDING SECTIONS 7-2-2704, 7-2-2756,
7-4-2307, 7-5-2301, 7-6-2326, 7-6-2342, 7-6-2605, 7-8-101,
7-8-2212, 7-8-2216, 7-8-2302, 7-8-2511, 7-11-228, 7-13-145,
7-13-208, 7-13-2304, 7-13-2345, 7-14-2706, 7-14-4630,
7-15-2103, 7-16-2324, 7-21-3422, 7-22-2212, 7-22-2446,
7-33-2102, 7-34-2153, 7-34-2157, 7-34-2162, 7-35-2102, AND
7-35-2115, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
NEW SECTION. Section 1. Publication and content of
notice. Unless otherwise specifically provided, whenever a
local government unit other than a municipality is required
to give notice by publication, the following applies:
(1) Publication must be in a newspaper meeting the
qualifications of subsection (2), except that in a county
where no newspaper meets these qualifications, publication
must be made in a qualified newspaper in an adjacent county
or if there is no qualified newspaper in an adjacent county,
publication must be made by posting the notice in three

THIRD READING

There are no changes on HB 859 second
reading (yellow). Please refer to it
for complete text.

HB859