

SENATE BILL NO. 130

INTRODUCED BY HARDING, POFF, HANNAH, REGAN

IN THE SENATE

January 18, 1985	Introduced and referred to Committee on Local Government.
February 14, 1985	Committee recommend bill do pass as amended. Report adopted.
February 15, 1985	Bill printed and placed on members' desks.
February 16, 1985	Second reading, do pass.
February 18, 1985	Considered correctly engrossed.
February 19, 1985	Third reading, passed. Ayes, 45; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Local Government.
March 22, 1985	Committee recommend bill be concurred in. Report adopted.
March 23, 1985	Second reading, concurred in.
March 26, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

March 26, 1985

Received from House.

March 27, 1985

Sent to enrolling.

Reported correctly enrolled.

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INTRODUCED BY *Harding* *Proff* *Harold*
3/4/02

Senate BILL NO. 130

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, 7-12-2159, 7-13-145, 7-13-208, 7-13-2304, 7-13-2345, 7-14-2706, 7-14-2739, 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 subsections (2) and (3), except that in a county where no newspaper meets these qualifications, publication must be made in a qualified newspaper in an adjacent county. If there is no qualified newspaper in an adjacent county, publication must be made by posting the

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notice in three public places in the county, designated by resolution of the governing body.
(2) The newspaper must be:
(a) of general paid circulation with a second-class mailing permit;
(b) published at least once a week; and
(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) 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) 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) The published notice must contain:
(a) the date, time, and place of the hearing or other action;
(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 (d) any other information required by the specific
2 section requiring notice by publication.

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

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

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

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

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

19 (2) The notice shall contain:

20 (a) the date, time, and place of the hearing or other
21 action;

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

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

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

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

6 "7-2-2704. Hearing on petition by county commissioners
7 -- notice. (1) Whenever any such petition is presented to
8 the board of county commissioners of a county with a
9 certificate of the election administrator attached thereto
10 and showing that the petition has been signed by not less
11 than 35% of the registered electors of the county whose
12 names appear upon the registration records of the county, as
13 provided in 7-2-2702 and 7-2-2703, the board shall,
14 immediately upon presentation of the petition, make and
15 enter an order in its minutes fixing a day for considering
16 and taking final action on the petition. The date for final
17 action shall be not less than 30 or more than 35 days after
18 the date when the order is made.

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

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

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

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

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

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

1 entry of the order, elapse."

2 Section 9. Section 7-6-2605, MCA, is amended to read:
3 "7-6-2605. Call for payment of warrants drawing
4 interest. (1) When there is sufficient money to pay the
5 warrants drawing interest, the treasurer must give notice ~~in~~
6 ~~some newspaper published in his county or if none is~~
7 ~~published, then by written notice posted upon the courthouse~~
8 ~~door, stating therein as provided in [section 1] that he is
9 ready to pay such warrants.~~

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

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

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

25 (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 \$2,500, the sale shall be at public auction at
22 the courthouse door after previous notice given by
23 publication ~~in-a-newspaper-published--in--said--county--The~~
24 ~~notice-shall-be-published-once-a-week-for-4-successive-weeks~~
25 ~~and--posted--in-five-public-places-in-the-county~~ as provided

1 in [section 1]."

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

3 "7-8-2216. Sale of county property to school district.

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

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

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

19 "7-8-2302. Notice of sale of tax-deed lands. (1)
20 ~~Thirty days' notice~~ Notice of the sale provided for in
21 7-8-2301 shall be given by publication ~~in a newspaper~~
22 ~~printed in the county. Such notice shall be published once a~~
23 ~~week for 3 consecutive weeks as provided in [section 1]~~ and
24 shall also be posted in at least three public places in the
25 county.

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

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

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

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

22 (3) No sale may be made for less than the appraised
23 value of the land, as fixed by the board. The sale shall be
24 for cash or on such terms as the board may approve provided
25 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 7-12-2159, MCA, is amended to read:

"7-12-2159. Notice of resolution for levy and assessment of tax -- protest and hearing. (1) A notice, signed by the county clerk and stating that the resolution levying a special assessment to defray the cost of making the improvements is on file in the office of the county clerk and is subject to inspection, shall be published ~~at least once in a newspaper published nearest to where the special improvement is to be made as provided in [section 1].~~

(2) The notice shall state the time at and place in which objections to the final adoption of the resolution will be heard by the board of county commissioners. The time

for the hearing may not be less than 5 days after the second publication of the notice."

Section 17. 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~~ must 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], and notice shall must also be posted in three public places within the district."

Section 18. 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

1 boundaries for the proposed district is included in the
2 resolution on file in the county clerk's office.

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

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

15 Section 19. Section 7-13-2304, MCA, is amended to
16 read:

17 "7-13-2304. Notice of intention to levy tax. (1) When
18 the written estimate of the amount of money required has
19 been delivered to the board of county commissioners, said
20 board shall give notice of its intention to levy and collect
21 a tax sufficient for the payment thereof.

22 (2) Such notice shall be given:

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

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

5 (c) by forwarding, by ~~regular first-class mail or~~
6 ~~registered or certified mail as provided in [section 2]~~ at
7 least 10 days prior to the hearing provided for in
8 7-13-2306(4), a copy of the notice addressed to the owners
9 and the purchasers under contracts for deed of taxable real
10 property within the district as shown by the current
11 assessment book on file in the office of the assessor of the
12 county or counties the boundaries of which include taxable
13 real property of the district."

14 Section 20. Section 7-13-2345, MCA, is amended to
15 read:

16 "7-13-2345. Hearing and notice on petition to exclude
17 land. (1) Upon the filing of such petition with the
18 secretary of the district, he shall call a meeting of the
19 board of directors of the district at a time not less than
20 25 days or more than 50 days after the filing of the
21 petition and cause a notice of the filing of such petition
22 to be published ~~once each week for 2 consecutive weeks in a~~
23 ~~newspaper of general circulation published in each county in~~
24 ~~which the district is situated as provided in [section 1].~~
25 Such notice shall also state the date of the filing of such

1 petition and that the same will come on for hearing before
2 the board of directors of the district ~~and shall state the~~
3 ~~time of the hearing and the place thereof.~~

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

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

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

15 Section 21. Section 7-14-2706, MCA, is amended to
16 read:

17 "7-14-2706. Notice of meeting. ~~††~~ The county clerk
18 shall immediately notify the county road superintendent of
19 the meeting and shall cause a notice thereof to be printed
20 ~~in the newspaper published nearest to the vicinity of the~~
21 ~~road. The notice shall be published for 3 consecutive weeks~~
22 ~~prior to the time of the meeting as provided in [section 1].~~

23 ~~††~~ The notice shall state ~~the time and place of the~~
24 ~~meeting and~~ in general terms the kind of construction or
25 improvement sought and the place of beginning, intermediate

1 points, and termination."

2 Section 22. Section 7-14-2739, MCA, is amended to
3 read:

4 "7-14-2739. Notice of preparation of assessment roll.
5 As soon as the assessment roll is reported and filed, the
6 board shall publish notice ~~for 3 consecutive weeks in the~~
7 ~~newspapers in which notice of invitations for bids for the~~
8 ~~contract was published as provided in [section 1].~~ The
9 notice shall notify all persons interested that the
10 assessment roll has been filed and require them to appear at
11 the office of the board at the county seat at a time not
12 less than 15 days from the date of the last publication of
13 the notice to make objections."

14 Section 23. 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 24. 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 25. 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 26. 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 27. 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

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

6 Section 28. Section 7-22-2446, MCA, is amended to
7 read:

8 "7-22-2446. Hearing on petition for dissolution --
9 notice. Upon the filing of a petition for dissolution, the
10 board of county commissioners shall set a time for hearing
11 the petition and shall cause notice thereof to be mailed as
12 provided in [section 2] to all nonresident property owners
13 and purchasers under contracts for deed within the district
14 whose addresses are known, to be posted in at least three
15 public places within the district, and to be published ~~at~~
16 ~~least once in the official newspaper of the county published~~
17 ~~in the district, the posting and publication to be at least~~
18 ~~10 days before the date of hearing as provided in [section~~
19 ~~1].~~ Whenever the district is partly in one county and
20 partly in another county, notice must be posted in each
21 county, but posting need not be in three places in each
22 county, and notice must be published in ~~the official~~
23 ~~newspaper of each county."~~

24 Section 29. Section 7-33-2102, MCA, is amended to
25 read:

1 "7-33-2102. Notice of hearing. The board shall, within
2 10 days after the receipt of the petition, give notice of
3 the hearing thereof at least 10 days prior to the hearing:

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

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

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

16 Section 30. Section 7-34-2153, MCA, is amended to
17 read:

18 "7-34-2153. Hearing on petition for annexation --
19 notice. (1) At the first regular meeting after the
20 presentation of said petition, said board of county
21 commissioners shall cause notice of said petition to be
22 ~~published in two successive issues of a newspaper published~~
23 ~~in the county as provided in [section 1]~~ prior to the date
24 fixed by said board for the hearing of said petition, which
25 date shall be not less than 4 weeks after the filing of such

1 petition.

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

7 Section 31. Section 7-34-2157, MCA, is amended to
8 read:

9 "7-34-2157. Hearing on petition for withdrawal --
10 notice. (1) The board of county commissioners shall, upon
11 the filing of such a petition, fix a time for the hearing of
12 such withdrawal petition, which time shall not be more than
13 4 weeks after the receipt thereof.

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

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

21 Section 32. Section 7-34-2162, MCA, is amended to
22 read:

23 "7-34-2162. Hearing on petition for dissolution --
24 notice. Upon the filing of such petition, the board of
25 county commissioners shall set a time for hearing the same

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

7 Section 33. Section 7-35-2102, MCA, is amended to
 8 read:

9 "7-35-2102. Notice of hearing on creation of district.

10 (1) The board of county commissioners shall cause notice to
 11 be given of the time and place of said hearing by
 12 publication as ~~prescribed-by-law-for-not-less-than--2--weeks~~
 13 ~~prior--to--the-time-of-said-hearing~~ provided in [section 1].

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

21 Section 34. Section 7-35-2115, MCA, is amended to
 22 read:

23 "7-35-2115. Notice and hearing on alteration of
 24 boundaries. (1) At the first regular meeting after the
 25 presentation of said petition, said board of county

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

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

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

15 NEW SECTION. Section 35. Codification instruction.
 16 Sections 1 and 2 are intended to be codified as an integral
 17 part of Title 7, and the provisions of Title 7 apply to
 18 sections 1 and 2.

19 NEW SECTION. Section 36. Severability. If a part of
 20 this act is invalid, all valid parts that are severable from
 21 the invalid part remain in effect. If a part of this act is
 22 invalid in one or more of its applications, the part remains
 23 in effect in all valid applications that are severable from
 24 the invalid applications.

-End-

1 NEW SECTION. Section 40. Codification instruction.
2 Sections 1 and 2 are intended to be codified as an integral
3 part of Title 7, and the provisions of Title 7 apply to
4 sections 1 and 2.

5 NEW SECTION. Section 41. Severability. If a part of
6 this act is invalid, all valid parts that are severable from
7 the invalid part remain in effect. If a part of this act is
8 invalid in one or more of its applications, the part remains
9 in effect in all valid applications that are severable from
10 the invalid applications.

-End-

1 and present objections to the withdrawal of said portion
2 from said district.

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

7 Section 37. Section 7-34-2162, MCA, is amended to
8 read:

9 "7-34-2162. Hearing on petition for dissolution --
10 notice. Upon the filing of such petition, the board of
11 county commissioners shall set a time for hearing the same
12 and shall cause notice thereof to be posted in at least
13 three separate public places within said district for at
14 least 2 weeks prior to the hearing. The notice shall also be
15 published ~~for at least two successive issues in a newspaper~~
16 ~~published in the county prior to such hearing as provided in~~
17 ~~[section 1]."~~

18 Section 38. Section 7-35-2102, MCA, is amended to
19 read:

20 "7-35-2102. Notice of hearing on creation of district.
21 (1) The board of county commissioners shall cause notice to
22 be given of the time and place of said hearing by
23 publication as ~~prescribed by law for not less than 2 weeks~~
24 ~~prior to the time of said hearing~~ provided in [section 1].

25 (2) Said notice shall state that any person residing

1 in or owning property within said proposed district or
2 within any existing cemetery district, any part of the
3 territory of which is described in said petition, may appear
4 before said board at the hearing and show cause why the
5 district should not be created or the proposed boundaries
6 changed."

7 Section 39. Section 7-35-2115, MCA, is amended to
8 read:

9 "7-35-2115. Notice and hearing on alteration of
10 boundaries. (1) At the first regular meeting after the
11 presentation of said petition, said board of county
12 commissioners shall cause notice of said petition to be
13 published ~~according to law for 2 weeks prior to the date to~~
14 ~~be fixed by said board for the hearing of said petition as~~
15 ~~provided in [section 1].~~

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

20 (3) Said board shall have the power, by order entered
21 on its minutes, to grant said petition either in whole or in
22 part and to alter the boundaries of said public cemetery
23 district and to annex thereto all or such portion of said
24 territory described in said petition as will be benefited
25 thereby."

1 hearing to be posted in at least three of the most public
2 places within the area proposed to be established as a fire
3 district; and

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

9 SECTION 34. SECTION 7-34-2107, MCA, IS AMENDED TO

10 READ:

11 "7-34-2107. Notice of hearing. (1) A notice of the
12 hearing required by 7-34-2106 shall be published ~~in a~~
13 ~~newspaper having general circulation in the territory within~~
14 ~~the boundaries of the proposed hospital district once each~~
15 ~~week for at least 2 weeks, the last publication to be at~~
16 ~~least 2 weeks before the hearing, if there is no newspaper~~
17 ~~having general circulation within the boundaries of the~~
18 ~~proposed hospital district, the notice of hearing shall be~~
19 ~~posted in at least three public places within the boundaries~~
20 ~~of the proposed district for 2 weeks before the hearing;~~

21 (2) ~~The notice shall state the time, date, place, and~~
22 ~~purpose of the hearing, describe the boundaries of the~~
23 ~~proposed hospital district, and state that any person~~
24 ~~residing in or owning property within the proposed hospital~~
25 ~~district may appear in support of or in opposition to the~~

1 ~~petition at such hearing as provided in [section 1].~~"

2 Section 35. Section 7-34-2153, MCA, is amended to
3 read:

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

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

18 Section 36. Section 7-34-2157, MCA, is amended to
19 read:

20 "7-34-2157. Hearing on petition for withdrawal --
21 notice. (1) The board of county commissioners shall, upon
22 the filing of such a petition, fix a time for the hearing of
23 such withdrawal petition, which time shall not be more than
24 4 weeks after the receipt thereof.

25 (2) Any interested person may appear at said hearing

1 SECTION 31. SECTION 7-22-2406, MCA, IS AMENDED TO

2 READ:

3 "7-22-2406. Notice of hearing on petition to create
4 district. (1) ~~if-addressees-are-known,~~ The commissioners
5 shall cause notice of the hearing provided for in 7-22-2403
6 to be mailed as provided in [section 2] to each nonresident
7 owner and purchaser under contract for deed of taxable real
8 and personal property within the proposed district.

9 (2) The commissioners shall cause notice to be posted
10 in three public places within the district. Whenever the
11 district is partly in one county and partly in another
12 county, notice must be posted in each county but posting
13 need not be in three places in each county.

14 (3) The commissioners shall also cause notice to be
15 given of the time and place of the hearing and the methods
16 of objection by publication ~~in-a-newspaper-within-or-nearest~~
17 ~~to-the-district-and,~~ as provided in [section 1], in each
18 county if the district is partly in one county and partly in
19 another county, ~~in-a-newspaper-in-each-county,~~ if such
20 ~~newspaper-exists.~~ The publication must be for two weekly
21 issues:

22 ~~{4}--Posting-and-first-publication-shall-be-at-least-10~~
23 ~~days-before-the-hearing."~~

24 Section 32. Section 7-22-2446, MCA, is amended to
25 read:

1 "7-22-2446. Hearing on petition for dissolution --
2 notice. Upon the filing of a petition for dissolution, the
3 board of county commissioners shall set a time for hearing
4 the petition and shall cause notice thereof to be mailed as
5 provided in [section 2] to all nonresident property owners
6 and purchasers under contracts for deed within the district
7 whose addresses are known, to be posted in at least three
8 public places within the district, and to be published at
9 ~~least-once-in-the-official-newspaper-of-the-county-published~~
10 ~~in-the-district,~~ the posting and publication to be at least
11 10--days--before-the-date-of-hearing as provided in [section
12 1]. Whenever the district is partly in one county and
13 partly in another county, notice must be posted in each
14 county, but posting need not be in three places in each
15 county, and notice must be published in ~~the--official~~
16 ~~newspaper-of~~ each county."

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

19 "7-33-2102. Notice of hearing. The board shall, within
20 10 days after the receipt of the petition, give notice of
21 the hearing thereof at least 10 days prior to the hearing:

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

25 (2) by causing notices of the time and place of such

1 under this section and part 25 of chapter 8.

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

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

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

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

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

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

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

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

1 Section 29. Section 7-21-3422, MCA, is amended to
2 read:

3 "7-21-3422. Notice of intention to create fair
4 district -- hearing. Notice of the resolution of intent to
5 create a fair district shall be published ~~in--two--regular~~
6 ~~weekly--issues--of--a--newspaper--in--the--county--setting--forth~~
7 ~~the--date--on--which~~ as provided in [section 1], stating that a
8 hearing shall be had on the resolution by the taxpayers and
9 residents of the county and ~~at--which--time~~ that objections
10 will be heard."

11 Section 30. Section 7-22-2212, MCA, is amended to
12 read:

13 "7-22-2212. Notice of hearing. Upon setting a date for
14 the hearing, the governing body shall give notice of the
15 hearing in the following manner:

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

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

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

1 board shall publish notice ~~for 3 consecutive weeks in the~~
 2 ~~newspapers in which notice of invitations for bids for the~~
 3 ~~contract was published as provided in [section 1].~~ The
 4 notice shall notify all persons interested that the
 5 assessment roll has been filed and require them to appear at
 6 the office of the board at the county seat at a time not
 7 less than 15 days from the date of the last publication of
 8 the notice to make objections."

9 Section 26. Section 7-14-4630, MCA, is amended to
 10 read:

11 "7-14-4630. Notice for bids to lease parking facility.
 12 (1) The notice required by 7-14-4629(1) shall consist of the
 13 publication of a notice as provided in [section 1] inviting
 14 ~~bids, with two or more insertions thereof, not less than 5~~
 15 ~~days apart, in a newspaper of general circulation printed~~
 16 ~~and published in such city or city and county. The~~
 17 ~~publication shall be commenced not less than 15 days prior~~
 18 ~~to the date set in the notice for the opening of bids. If~~
 19 ~~there be no newspaper of general circulation printed or~~
 20 ~~published therein, notice shall be given by posting copies~~
 21 ~~of said notice inviting bids in at least three public places~~
 22 ~~in the city or city and county not less than 15 days prior~~
 23 ~~to the date set in the notice for the opening of bids.~~

24 (2) Such notice shall distinctly and specifically
 25 describe the project and the facilities in connection

1 therewith which are to be leased, the period of time for
 2 which said project is to be leased, and the minimum rental
 3 to be paid under such lease."

4 Section 27. Section 7-15-2103, MCA, is amended to
 5 read:

6 "7-15-2103. Notice of hearing on petition. The notice
 7 required by 7-15-2102 shall be given at the county's expense
 8 by publishing a notice ~~at least 10 days preceding the day on~~
 9 ~~which the hearing is to be held, in a newspaper having a~~
 10 ~~general circulation in the county or, if there be no such~~
 11 ~~newspaper, by posting such a notice in at least three public~~
 12 ~~places within the county at least 10 days preceding the day~~
 13 ~~on which the hearing is to be held as provided in [section~~
 14 ~~1]."~~

15 Section 28. Section 7-16-2324, MCA, is amended to
 16 read:

17 "7-16-2324. Sale, lease, or exchange of dedicated park
 18 lands. (1) For the purposes of this section and part 25 of
 19 chapter 8, lands dedicated to the public use for park or
 20 playground purposes under 76-3-606 and 76-3-607 or a similar
 21 statute or pursuant to any instrument not specifically
 22 conveying land to a governmental unit other than a county
 23 are considered county lands.

24 (2) A county may not sell, lease, or exchange lands
 25 dedicated for park or playground purposes except as provided

1 ~~newspaper-of-general-circulation-published-in-each-county-in~~
 2 ~~which--the--district-is-situated~~ as provided in [section 1].
 3 Such notice shall also state the date of the filing of such
 4 petition and that the same will come on for hearing before
 5 the board of directors of the district ~~and-shall--state--the~~
 6 ~~time-of-the-hearing-and-the-place-thereof.~~

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

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

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

18 SECTION 23. SECTION 7-13-2506, MCA, IS AMENDED TO
 19 READ:

20 "7-13-2506. Notice of petition and hearing. Upon
 21 receipt of a duly certified petition, the board of county
 22 commissioners shall cause the text of the petition to be
 23 published ~~once-a-week-for-at-least-3-consecutive-weeks-in-a~~
 24 ~~newspaper-of-general-circulation-within-the-county-where-the~~
 25 ~~petition-is-presented~~ as provided in [section 1]. If any

1 portion of the proposed district lies in another county, the
 2 petition and notice shall likewise be published in that
 3 county. No more than five names attached to the petition
 4 shall appear in the publication and notice, but the number
 5 of signatures shall be stated. ~~With-the-publication-of--the~~
 6 ~~petition,--there--shall-be-published-a-notice-of-the-time-of~~
 7 ~~the-meeting-of-the-county-commissioners--when--the--petition~~
 8 ~~will--be-considered,--stating-that-all-persons-interested-may~~
 9 ~~appear-and-be-heard."~~

10 Section 24. Section 7-14-2706, MCA, is amended to
 11 read:

12 "7-14-2706. Notice of meeting. (1) The county clerk
 13 shall immediately notify the county road superintendent of
 14 the meeting and shall cause a notice thereof to be printed
 15 ~~in-the-newspaper~~ published nearest-to-the--vicinity--of--the
 16 ~~road,--The-notice-shall-be-published-for-3-consecutive-weeks~~
 17 ~~prior-to-the-time-of-the-meeting~~ as provided in [section 1].

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

22 Section 25. Section 7-14-2739, MCA, is amended to
 23 read:

24 "7-14-2739. Notice of preparation of assessment roll.
 25 As soon as the assessment roll is reported and filed, the

1 (1) The text of the petition referred to in 7-13-2204 shall
 2 be published ~~once--each--week--for--2--consecutive--weeks--in--a~~
 3 ~~newspaper--printed--and--published~~ as provided in [section 1]
 4 in every county in which said territory lies ~~7--together--with~~
 5 ~~a--notice--stating--the--time--of--the--meeting--at--which--same--will~~
 6 ~~be--presented.~~

7 (2) ~~The--first--publication--shall--be--at--least--2--weeks~~
 8 ~~before--the--time--at--which--the--petition--is--to--be--presented.~~
 9 When contained upon more than one instrument, one copy only
 10 of such petition need be published. No more than five of the
 11 names attached to said petition need appear in such
 12 publication of said petition and notice, but the number of
 13 signers shall be stated.

14 ~~{3}--With--such--publication--there--shall--be--published--a~~
 15 ~~notice--of--the--time--of--the--meeting--of--the--board--when--such~~
 16 ~~petition--will--be--considered--and--that--all--persons--interested~~
 17 ~~therein--may--then--appear--and--be--heard."~~

18 Section 21. Section 7-13-2304, MCA, is amended to
 19 read:

20 "7-13-2304. Notice of intention to levy tax. (1) When
 21 the written estimate of the amount of money required has
 22 been delivered to the board of county commissioners, said
 23 board shall give notice of its intention to levy and collect
 24 a tax sufficient for the payment thereof.

25 (2) Such notice shall be given:

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

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

8 (c) by forwarding, by ~~regular--first--class--mail--or~~
 9 ~~registered--or--certified~~ mail as provided in [section 2] at
 10 least 10 days prior to the hearing provided for in
 11 7-13-2306(4), a copy of the notice addressed to the owners
 12 and the purchasers under contracts for deed of taxable real
 13 property within the district as shown by the current
 14 assessment book on file in the office of the assessor of the
 15 county or counties the boundaries of which include taxable
 16 real property of the district."

17 Section 22. Section 7-13-2345, MCA, is amended to
 18 read:

19 "7-13-2345. Hearing and notice on petition to exclude
 20 land. (1) Upon the filing of such petition with the
 21 secretary of the district, he shall call a meeting of the
 22 board of directors of the district at a time not less than
 23 25 days or more than 50 days after the filing of the
 24 petition and cause a notice of the filing of such petition
 25 to be published ~~once--each--week--for--2--consecutive--weeks--in--a~~

1 the improvements is on file in the office of the county
 2 clerk and is subject to inspection, shall be published at
 3 ~~least once in a newspaper published nearest to where the~~
 4 ~~special improvement is to be made~~ as provided in [section
 5 1].

6 (2) The notice shall state the time at and place in
 7 which objections to the final adoption of the resolution
 8 will be heard by the board of county commissioners. The time
 9 for the hearing may not be less than 5 days after the second
 10 publication of the notice."

11 Section 18. Section 7-13-145, MCA, is amended to read:

12 "7-13-145. Hearing and notice on tax levy for
 13 operation and maintenance. (1) Not less than 30 days prior
 14 to the date of making the levy for operation and maintenance
 15 of the system, the county commissioners will hold a public
 16 hearing on the resolution.

17 (2) Notice clearly setting forth the subject matter of
 18 the hearing ~~and the date and place thereof will~~ must be
 19 given by the commissioners by publication ~~in a newspaper~~
 20 ~~published and circulated in the county wherein the district~~
 21 ~~is located once a week for 3 consecutive weeks. The~~ as
 22 provided in [section 1], and notice shall must also be
 23 posted in three public places within the district."

24 Section 19. Section 7-13-208, MCA, is amended to read:

25 "7-13-208. Notice of resolutions of intention and

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

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

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

23 SECTION 20. SECTION 7-13-2205, MCA, IS AMENDED TO
 24 READ:

25 "7-13-2205. Notice of petition -- hearing required.

1 at least 20% of the purchase price shall be paid in cash.

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

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

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

13 SECTION 16. SECTION 7-12-2105, MCA, IS AMENDED TO
14 READ:

15 "7-12-2105. Notice of resolution of intention to
16 create district -- hearing. (1) Upon having passed the
17 resolution of intention pursuant to 7-12-2103, the board of
18 county commissioners must give publish notice of the passage
19 of such resolution of intention as provided in [section 1].

20 (2) ~~The notice must be published for 10 consecutive~~
21 ~~days in a daily newspaper or in two issues of a weekly~~
22 ~~newspaper published nearest to the place where such~~
23 ~~improvement district is to be created.~~ The board shall also
24 cause a copy of such notice to be posted in three public
25 places within the boundaries of such special improvement

1 district. A copy of such notice shall be mailed as provided
2 in [section 2] to every person, firm, or corporation or the
3 agent of such person, firm, or corporation owning real
4 property within the proposed district listed in his name
5 upon the last completed assessment roll for state, county,
6 and school district taxes, ~~at his last known place of~~
7 ~~residence, upon the same day such notice is first published~~
8 ~~or posted.~~

9 (3) Such notice must describe the general character of
10 the improvement or improvements so proposed to be made or
11 acquired by purchase, state the estimated cost thereof, and
12 designate the time when and the place where the board will
13 hear and pass upon all protests that may be made against the
14 making or maintenance of such improvements or the creation
15 of such district. The notice shall refer to the resolution
16 on file in the office of the county clerk for the
17 description of the boundaries. If the proposal is for the
18 purchase of an existing improvement, the notice shall state
19 the exact purchase price of such existing improvement."

20 Section 17. Section 7-12-2159, MCA, is amended to
21 read:

22 "7-12-2159. Notice of resolution for levy and
23 assessment of tax -- protest and hearing. (1) A notice,
24 signed by the county clerk and stating that the resolution
25 levying a special assessment to defray the cost of making

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

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 \$2,500, notice of the
15 sale shall be given by publication ~~in-a-newspaper-in-said~~
16 ~~county-The-notice-shall-be-published-once-a-week-for-4~~
17 ~~successive-weeks-and-posted-in-five-public-places-in-the~~
18 county as provided in [section 1]."

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

20 "7-8-2302. Notice of sale of tax-deed lands. (1)
21 ~~Thirty-days-notice~~ Notice of the sale provided for in
22 7-8-2301 shall be given by publication ~~in-a-newspaper~~
23 ~~printed-in-the-county-Such-notice-shall-be-published-once-a~~
24 ~~week-for-3-consecutive-weeks~~ as provided in [section 1] and
25 shall also be posted in at least three public places in the

1 county.

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

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

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

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

23 (3) No sale may be made for less than the appraised
24 value of the land, as fixed by the board. The sale shall be
25 for cash or on such terms as the board may approve provided

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (b) No expenditure may be made or liability incurred

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

3 Section 9. Section 7-6-2605, MCA, is amended to read:
4 "7-6-2605. Call for payment of warrants drawing
5 interest. (1) When there is sufficient money to pay the
6 warrants drawing interest, the treasurer must give notice in
7 ~~some newspaper published in his county or, if none is~~
8 ~~published, then by written notice posted upon the courthouse~~
9 ~~door, stating therein as provided in [section 1]~~ that he is
10 ready to pay such warrants.

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

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

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

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

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

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

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

24 (2) The notice must be published in the official
25 newspaper of the county at least once a week for 3

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

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

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

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

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

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

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

1 ~~petition,--at--which--time~~ any registered electors of the
 2 county interested therein may appear and be heard thereon.
 3 ~~The--notice--shall--be--published--once--a--week--for--2--successive~~
 4 ~~weeks--immediately--following--the--making--of--the--order--"~~

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

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

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

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

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

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

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

1 taken; and

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

4 (7) 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 if notice is to be given by mail to all electors
19 or residents of the affected local government unit.

20 (2) The notice shall contain:

21 (a) the date, time, and place of the hearing or other
22 action;

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~~

APPROVED BY COMM.
ON LOCAL GOVERNMENT

SENATE BILL NO. 130

INTRODUCED BY HARDING, POFF, HANNAH, REGAN

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, 7-12-2105, 7-12-2159, 7-13-145, 7-13-208, 7-13-2205, 7-13-2304, 7-13-2345, 7-13-2506, 7-14-2706, 7-14-2739, 7-14-4630, 7-15-2103, 7-16-2324, 7-21-3422, 7-22-2212, 7-22-2406, 7-22-2446, 7-33-2102, 7-34-2107, 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 subsections (2) and (3), except that in a county where no newspaper meets these qualifications, publication must be made in a qualified newspaper in an adjacent county. 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:

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

(b) published at least once a week; and

(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) 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) 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) The published notice must contain:

(a) the date, time, and place of the hearing or other action;

(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 SENATE BILL NO. 130

2 INTRODUCED BY HARDING, POFF, HANNAH, REGAN

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, 7-12-2105,
 10 7-12-2159, 7-13-145, 7-13-208, 7-13-2205, 7-13-2304,
 11 7-13-2345, 7-13-2506, 7-14-2706, 7-14-2739, 7-14-4630,
 12 7-15-2103, 7-16-2324, 7-21-3422, 7-22-2212, 7-22-2406,
 13 7-22-2446, 7-33-2102, 7-34-2107, 7-34-2153, 7-34-2157,
 14 7-34-2162, 7-35-2102, AND 7-35-2115, MCA."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

21 (1) Publication must be in a newspaper meeting the
 22 qualifications of subsections (2) and (3), except that in a
 23 county where no newspaper meets these qualifications,
 24 publication must be made in a qualified newspaper in an
 25 adjacent county. If there is no qualified newspaper in an

1 adjacent county, publication must be made by posting the
 2 notice in three public places in the county, designated by
 3 resolution of the governing body.

4 (2) The newspaper must be:

5 (a) of general paid circulation with a second-class
 6 mailing permit;

7 (b) published at least once a week; and

8 (c) published in the county where the hearing or other
 9 action will take place.

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

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

16 (5) The notice must be published twice, with at least
 17 6 days separating publication. The first publication must be
 18 no more than 21 days prior to the action and the last no
 19 less than 3 days prior to the action.

20 (6) The published notice must contain:

21 (a) the date, time, and place of the hearing or other
 22 action;

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

THIRD READING

1 taken; and

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

4 (7) 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 if notice is to be given by mail to all electors
19 or residents of the affected local government unit.

20 (2) The notice shall contain:

21 (a) the date, time, and place of the hearing or other
22 action;

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~~

1 petition,--at--which--time any registered electors of the
 2 county interested therein may appear and be heard thereon.
 3 ~~The--notice--shall--be--published--once--a--week--for--2--successive~~
 4 ~~weeks--immediately--following--the--making--of--the--order--"~~

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

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

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

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

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

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

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

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

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

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

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

24 (2) The notice must be published in the official
25 newspaper of the county at least once a week for 3

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

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

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

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

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

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

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

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

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

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

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

25 (b) No expenditure may be made or liability incurred

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

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

4 "7-6-2605. Call for payment of warrants drawing
5 interest. (1) When there is sufficient money to pay the
6 warrants drawing interest, the treasurer must give notice ~~in~~
7 ~~some newspaper published in his county or, if none is~~
8 ~~published, then by written notice posted upon the courthouse~~
9 ~~door, stating therein as provided in [section 1]~~ that he is
10 ready to pay such warrants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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 \$2,500, notice of the
15 sale shall be given by publication ~~in a newspaper in said~~
16 ~~county. The notice shall be published once a week for 4~~
17 ~~successive weeks and posted in five public places in the~~
18 county as provided in [section 1]."

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

20 "7-8-2302. Notice of sale of tax-deed lands. (1)
21 ~~Thirty days~~¹ Notice of the sale provided for in
22 7-8-2301 shall be given by publication ~~in a newspaper~~
23 ~~printed in the county. Such notice shall be published once a~~
24 ~~week for 3 consecutive weeks~~ as provided in [section 1] and
25 shall also be posted in at least three public places in the

1 county.

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

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

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

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

23 (3) No sale may be made for less than the appraised
24 value of the land, as fixed by the board. The sale shall be
25 for cash or on such terms as the board may approve provided

1 at least 20% of the purchase price shall be paid in cash.

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

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

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

13 SECTION 16. SECTION 7-12-2105, MCA, IS AMENDED TO
14 READ:

15 "7-12-2105. Notice of resolution of intention to
16 create district -- hearing. (1) Upon having passed the
17 resolution of intention pursuant to 7-12-2103, the board of
18 county commissioners must ~~give~~ publish notice of the passage
19 of such resolution of intention as provided in [section 1].

20 (2) ~~The notice must be published for 10 consecutive~~
21 ~~days in a daily newspaper or in two issues of a weekly~~
22 ~~newspaper published nearest to the place where such~~
23 ~~improvement district is to be created. The board shall also~~
24 cause a copy of such notice to be posted in three public
25 places within the boundaries of such special improvement

1 district. A copy of such notice shall be mailed as provided
2 in [section 2] to every person, firm, or corporation or the
3 agent of such person, firm, or corporation owning real
4 property within the proposed district listed in his name
5 upon the last completed assessment roll for state, county,
6 and school district taxes ~~at his last known place of~~
7 ~~residence, upon the same day such notice is first published~~
8 ~~or posted.~~

9 (3) Such notice must describe the general character of
10 the improvement or improvements so proposed to be made or
11 acquired by purchase, state the estimated cost thereof, and
12 designate the time when and the place where the board will
13 hear and pass upon all protests that may be made against the
14 making or maintenance of such improvements or the creation
15 of such district. The notice shall refer to the resolution
16 on file in the office of the county clerk for the
17 description of the boundaries. If the proposal is for the
18 purchase of an existing improvement, the notice shall state
19 the exact purchase price of such existing improvement."

20 Section 17. Section 7-12-2159, MCA, is amended to
21 read:

22 "7-12-2159. Notice of resolution for levy and
23 assessment of tax -- protest and hearing. (1) A notice,
24 signed by the county clerk and stating that the resolution
25 levying a special assessment to defray the cost of making

1 the improvements is on file in the office of the county
 2 clerk and is subject to inspection, shall be published at
 3 ~~least once in a newspaper published nearest to where the~~
 4 ~~special improvement is to be made~~ as provided in [section
 5 1].

6 (2) The notice shall state the time at and place in
 7 which objections to the final adoption of the resolution
 8 will be heard by the board of county commissioners. The time
 9 for the hearing may not be less than 5 days after the second
 10 publication of the notice."

11 Section 18. Section 7-13-145, MCA, is amended to read:

12 "7-13-145. Hearing and notice on tax levy for
 13 operation and maintenance. (1) Not less than 30 days prior
 14 to the date of making the levy for operation and maintenance
 15 of the system, the county commissioners will hold a public
 16 hearing on the resolution.

17 (2) Notice clearly setting forth the subject matter of
 18 the hearing ~~and the date and place thereof will~~ must be
 19 given by the commissioners by publication ~~in a newspaper~~
 20 ~~published and circulated in the county wherein the district~~
 21 ~~is located once a week for 3 consecutive weeks. The~~ as
 22 provided in [section 1], and notice ~~shall~~ must also be
 23 posted in three public places within the district."

24 Section 19. Section 7-13-208, MCA, is amended to read:

25 "7-13-208. Notice of resolutions of intention and

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

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

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

23 SECTION 20. SECTION 7-13-2205, MCA, IS AMENDED TO
 24 READ:

25 "7-13-2205. Notice of petition -- hearing required.

1 (1) The text of the petition referred to in 7-13-2204 shall
 2 be published ~~once--each--week--for--2--consecutive--weeks--in--a~~
 3 ~~newspaper--printed--and--published~~ as provided in [section 1]
 4 in every county in which said territory lies, ~~together--with~~
 5 ~~a--notice--stating--the--time--of--the--meeting--at--which--same--will~~
 6 be presented.

7 (2) ~~The--first--publication--shall--be--at--least--2--weeks~~
 8 ~~before--the--time--at--which--the--petition--is--to--be--presented,~~
 9 When contained upon more than one instrument, one copy only
 10 of such petition need be published. No more than five of the
 11 names attached to said petition need appear in such
 12 publication of said petition and notice, but the number of
 13 signers shall be stated.

14 ~~{3}--With--such--publication--there--shall--be--published--a~~
 15 ~~notice--of--the--time--of--the--meeting--of--the--board--when--such~~
 16 ~~petition--will--be--considered--and--that--all--persons--interested~~
 17 ~~therein--may--then--appear--and--be--heard."~~

18 Section 21. Section 7-13-2304, MCA, is amended to
 19 read:

20 "7-13-2304. Notice of intention to levy tax. (1) When
 21 the written estimate of the amount of money required has
 22 been delivered to the board of county commissioners, said
 23 board shall give notice of its intention to levy and collect
 24 a tax sufficient for the payment thereof.

25 (2) Such notice shall be given:

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

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

8 (c) by forwarding, by regular ~~first--class--mail--or~~
 9 ~~registered--or--certified~~ mail as provided in [section 2] at
 10 least 10 days prior to the hearing provided for in
 11 7-13-2306(4), a copy of the notice addressed to the owners
 12 and the purchasers under contracts for deed of taxable real
 13 property within the district as shown by the current
 14 assessment book on file in the office of the assessor of the
 15 county or counties the boundaries of which include taxable
 16 real property of the district."

17 Section 22. Section 7-13-2345, MCA, is amended to
 18 read:

19 "7-13-2345. Hearing and notice on petition to exclude
 20 land. (1) Upon the filing of such petition with the
 21 secretary of the district, he shall call a meeting of the
 22 board of directors of the district at a time not less than
 23 25 days or more than 50 days after the filing of the
 24 petition and cause a notice of the filing of such petition
 25 to be published ~~once--each--week--for--2--consecutive--weeks--in--a~~

1 ~~newspaper of general circulation published in each county in~~
 2 ~~which the district is situated as provided in [section 1].~~
 3 Such notice shall also state the date of the filing of such
 4 petition and that the same will come on for hearing before
 5 the board of directors of the district ~~and shall state the~~
 6 ~~time of the hearing and the place thereof.~~

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

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

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

18 SECTION 23. SECTION 7-13-2506, MCA, IS AMENDED TO
 19 READ:

20 "7-13-2506. Notice of petition and hearing. Upon
 21 receipt of a duly certified petition, the board of county
 22 commissioners shall cause the text of the petition to be
 23 published ~~once a week for at least 3 consecutive weeks in a~~
 24 ~~newspaper of general circulation within the county where the~~
 25 ~~petition is presented as provided in [section 1].~~ If any

1 portion of the proposed district lies in another county, the
 2 petition and notice shall likewise be published in that
 3 county. No more than five names attached to the petition
 4 shall appear in the publication and notice, but the number
 5 of signatures shall be stated. ~~With the publication of the~~
 6 ~~petition, there shall be published a notice of the time of~~
 7 ~~the meeting of the county commissioners when the petition~~
 8 ~~will be considered, stating that all persons interested may~~
 9 ~~appear and be heard."~~

10 Section 24. Section 7-14-2706, MCA, is amended to
 11 read:

12 "7-14-2706. Notice of meeting. {1} The county clerk
 13 shall immediately notify the county road superintendent of
 14 the meeting and shall cause a notice thereof to be printed
 15 ~~in the newspaper published nearest to the vicinity of the~~
 16 ~~road. The notice shall be published for 3 consecutive weeks~~
 17 ~~prior to the time of the meeting as provided in [section 1].~~

18 {2} The notice shall state ~~the time and place of the~~
 19 ~~meeting and~~ in general terms the kind of construction or
 20 improvement sought and the place of beginning, intermediate
 21 points, and termination."

22 Section 25. Section 7-14-2739, MCA, is amended to
 23 read:

24 "7-14-2739. Notice of preparation of assessment roll.
 25 As soon as the assessment roll is reported and filed, the

1 board shall publish notice ~~for 3 consecutive weeks in the~~
 2 ~~newspapers in which notice of invitations for bids for the~~
 3 ~~contract was published as provided in [section 1].~~ The
 4 notice shall notify all persons interested that the
 5 assessment roll has been filed and require them to appear at
 6 the office of the board at the county seat at a time not
 7 less than 15 days from the date of the last publication of
 8 the notice to make objections."

9 Section 26. Section 7-14-4630, MCA, is amended to
 10 read:

11 "7-14-4630. Notice for bids to lease parking facility.

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

24 (2) Such notice shall distinctly and specifically
 25 describe the project and the facilities in connection

1 therewith which are to be leased, the period of time for
 2 which said project is to be leased, and the minimum rental
 3 to be paid under such lease."

4 Section 27. Section 7-15-2103, MCA, is amended to
 5 read:

6 "7-15-2103. Notice of hearing on petition. The notice
 7 required by 7-15-2102 shall be given at the county's expense
 8 by publishing a notice ~~at least 10 days preceding the day on~~
 9 ~~which the hearing is to be held, in a newspaper having a~~
 10 ~~general circulation in the county or, if there be no such~~
 11 ~~newspaper, by posting such a notice in at least three public~~
 12 ~~places within the county at least 10 days preceding the day~~
 13 ~~on which the hearing is to be held as provided in [section~~
 14 ~~1]."~~

15 Section 28. Section 7-16-2324, MCA, is amended to
 16 read:

17 "7-16-2324. Sale, lease, or exchange of dedicated park
 18 lands. (1) For the purposes of this section and part 25 of
 19 chapter 8, lands dedicated to the public use for park or
 20 playground purposes under 76-3-606 and 76-3-607 or a similar
 21 statute or pursuant to any instrument not specifically
 22 conveying land to a governmental unit other than a county
 23 are considered county lands.

24 (2) A county may not sell, lease, or exchange lands
 25 dedicated for park or playground purposes except as provided

1 under this section and part 25 of chapter 8.

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

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

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

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

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

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

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

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

1 Section 29. Section 7-21-3422, MCA, is amended to
2 read:

3 "7-21-3422. Notice of intention to create fair
4 district -- hearing. Notice of the resolution of intent to
5 create a fair district shall be published ~~in--two--regular~~
6 ~~weekly--issues--of--a-newspaper-in-the-county,~~ setting-forth
7 the-date-on-which as provided in [section 1], stating that a
8 hearing shall be had on the resolution by the taxpayers and
9 residents of the county and ~~at-which-time~~ that objections
10 will be heard."

11 Section 30. Section 7-22-2212, MCA, is amended to
12 read:

13 "7-22-2212. Notice of hearing. Upon setting a date for
14 the hearing, the governing body shall give notice of the
15 hearing in the following manner:

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

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

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

1 SECTION 31. SECTION 7-22-2406, MCA, IS AMENDED TO

2 READ:

3 "7-22-2406. Notice of hearing on petition to create
4 district. (1) ~~if addresses are known, the~~ The commissioners
5 shall cause notice of the hearing provided for in 7-22-2403
6 to be mailed as provided in [section 2] to each nonresident
7 owner and purchaser under contract for deed of taxable real
8 and personal property within the proposed district.

9 (2) The commissioners shall cause notice to be posted
10 in three public places within the district. Whenever the
11 district is partly in one county and partly in another
12 county, notice must be posted in each county but posting
13 need not be in three places in each county.

14 (3) The commissioners shall also cause notice to be
15 given of the time and place of the hearing and the methods
16 of objection by publication ~~in a newspaper within or nearest~~
17 ~~to the district and,~~ as provided in [section 1], in each
18 county if the district is partly in one county and partly in
19 another county, ~~in a newspaper in each county, if such~~
20 ~~newspaper exists. The publication must be for two weekly~~
21 ~~issues.~~

22 ~~(4) Posting and first publication shall be at least 10~~
23 ~~days before the hearing."~~

24 Section 32. Section 7-22-2446, MCA, is amended to
25 read:

1 "7-22-2446. Hearing on petition for dissolution --
2 notice. Upon the filing of a petition for dissolution, the
3 board of county commissioners shall set a time for hearing
4 the petition and shall cause notice thereof to be mailed as
5 provided in [section 2] to all nonresident property owners
6 and purchasers under contracts for deed within the district
7 whose addresses are known, to be posted in at least three
8 public places within the district, and to be published at
9 ~~least once in the official newspaper of the county published~~
10 ~~in the district, the posting and publication to be at least~~
11 ~~10 days before the date of hearing~~ as provided in [section
12 1]. Whenever the district is partly in one county and
13 partly in another county, notice must be posted in each
14 county, but posting need not be in three places in each
15 county, and notice must be published in ~~the official~~
16 ~~newspaper of each county."~~

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

19 "7-33-2102. Notice of hearing. The board shall, within
20 10 days after the receipt of the petition, give notice of
21 the hearing thereof at least 10 days prior to the hearing:

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

25 (2) by causing notices of the time and place of such

1 hearing to be posted in at least three of the most public
 2 places within the area proposed to be established as a fire
 3 district; and

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

9 SECTION 34. SECTION 7-34-2107, MCA, IS AMENDED TO
 10 READ:

11 "7-34-2107. Notice of hearing. (1) A notice of the
 12 hearing required by 7-34-2106 shall be published in a
 13 newspaper having general circulation in the territory within
 14 the boundaries of the proposed hospital district once each
 15 week for at least 2 weeks, the last publication to be at
 16 least 2 weeks before the hearing; if there is no newspaper
 17 having general circulation within the boundaries of the
 18 proposed hospital district, the notice of hearing shall be
 19 posted in at least three public places within the boundaries
 20 of the proposed district for 2 weeks before the hearing.

21 (2) The notice shall state the time, date, place, and
 22 purpose of the hearing, describe the boundaries of the
 23 proposed hospital district, and state that any person
 24 residing in or owning property within the proposed hospital
 25 district may appear in support of or in opposition to the

1 petition at such hearing as provided in [section 1]."

2 Section 35. Section 7-34-2153, MCA, is amended to
 3 read:

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

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

18 Section 36. Section 7-34-2157, MCA, is amended to
 19 read:

20 "7-34-2157. Hearing on petition for withdrawal --
 21 notice. (1) The board of county commissioners shall, upon
 22 the filing of such a petition, fix a time for the hearing of
 23 such withdrawal petition, which time shall not be more than
 24 4 weeks after the receipt thereof.

25 (2) Any interested person may appear at said hearing

1 and present objections to the withdrawal of said portion
2 from said district.

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

7 Section 37. Section 7-34-2162, MCA, is amended to
8 read:

9 "7-34-2162. Hearing on petition for dissolution --
10 notice. Upon the filing of such petition, the board of
11 county commissioners shall set a time for hearing the same
12 and shall cause notice thereof to be posted in at least
13 three separate public places within said district for at
14 least 2 weeks prior to the hearing. The notice shall also be
15 published ~~for at least two successive issues in a newspaper~~
16 ~~published in the county prior to such hearing as provided in~~
17 ~~[section 1]."~~

18 Section 38. Section 7-35-2102, MCA, is amended to
19 read:

20 "7-35-2102. Notice of hearing on creation of district.
21 (1) The board of county commissioners shall cause notice to
22 be given of the time and place of said hearing by
23 publication as ~~prescribed by law for not less than 2 weeks~~
24 ~~prior to the time of said hearing provided in [section 1].~~

25 (2) Said notice shall state that any person residing

1 in or owning property within said proposed district or
2 within any existing cemetery district, any part of the
3 territory of which is described in said petition, may appear
4 before said board at the hearing and show cause why the
5 district should not be created or the proposed boundaries
6 changed."

7 Section 39. Section 7-35-2115, MCA, is amended to
8 read:

9 "7-35-2115. Notice and hearing on alteration of
10 boundaries. (1) At the first regular meeting after the
11 presentation of said petition, said board of county
12 commissioners shall cause notice of said petition to be
13 published ~~according to law for 2 weeks prior to the date to~~
14 ~~be fixed by said board for the hearing of said petition as~~
15 ~~provided in [section 1].~~

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

20 (3) Said board shall have the power, by order entered
21 on its minutes, to grant said petition either in whole or in
22 part and to alter the boundaries of said public cemetery
23 district and to annex thereto all or such portion of said
24 territory described in said petition as will be benefited
25 thereby."

1 NEW SECTION. Section 40. Codification instruction.
2 Sections 1 and 2 are intended to be codified as an integral
3 part of Title 7, and the provisions of Title 7 apply to
4 sections 1 and 2.

5 NEW SECTION. Section 41. Severability. If a part of
6 this act is invalid, all valid parts that are severable from
7 the invalid part remain in effect. If a part of this act is
8 invalid in one or more of its applications, the part remains
9 in effect in all valid applications that are severable from
10 the invalid applications.

-End-

1 SENATE BILL NO. 130

2 INTRODUCED BY HARDING, POFF, HANNAH, REGAN

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, 7-12-2105,
10 7-12-2159, 7-13-145, 7-13-208, 7-13-2205, 7-13-2304,
11 7-13-2345, 7-13-2506, 7-14-2706, 7-14-2739, 7-14-4630,
12 7-15-2103, 7-16-2324, 7-21-3422, 7-22-2212, 7-22-2406,
13 7-22-2446, 7-33-2102, 7-34-2107, 7-34-2153, 7-34-2157,
14 7-34-2162, 7-35-2102, AND 7-35-2115, MCA."

15

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

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

21 (1) Publication must be in a newspaper meeting the
22 qualifications of subsections (2) and (3), except that in a
23 county where no newspaper meets these qualifications,
24 publication must be made in a qualified newspaper in an
25 adjacent county. If there is no qualified newspaper in an

REFERENCE BILL

There are no changes in S B 130 and will not be reprinted. Please refer to yellow or blue copy for complete text.