

## HOUSE BILL NO. 260

INTRODUCED BY R. LYNCH

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO PAYMENT OF PUBLICATION AND NOTICE OF A PETITION TO CHANGE IRRIGATION DISTRICT BOUNDARIES; AMENDING SECTION 85-7-1805, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 85-7-1805, MCA, is amended to read:

**"85-7-1805. Notice requirements.** ~~On such petition being filed~~ (1) Upon the filing of a petition, the district court ~~or judge thereof shall make an order fixing~~ fix the time and place of hearing on the petition and ~~directing direct~~ that notice ~~thereof of the petition~~ be given. ~~Thereupon the~~

(2) The clerk of said court shall cause to be published at least once a week for 2 successive calendar weeks; in some a newspaper published in the county where the petition is filed; a notice stating the time and place fixed by the district court when and where of the hearing on said the petition will be had and containing that includes a brief statement of the matters set forth in said the petition and the object thereof. If any portion of the lands sought to be excluded from the district lie within any other county or counties, then said the notice shall be published as provided above in a newspaper published in each such other county county or counties. The first publication of said the notice shall be must occur not less than 30 days prior to the time mentioned in said notice for said before the hearing.

(3) If any holder of title or evidence of title to lands sought to be excluded from the district is a nonresident of the county or counties in which the district lies, the clerk of said court shall; within 3 days after the first publication aforesaid; of the first publication of the notice mail a copy of said the notice to each such nonresident whose post-office address is stated in said the petition. The certificate of the clerk of the district court, under the seal of the court, as to the facts of the publishing and mailing of said the notice affixed to a copy thereof shall be of the notice is sufficient evidence of such the facts.

(4) All costs incurred by the clerk of court for publication and notice must be paid by the party filing the petition."

