

HOUSE BILL NO. 260

INTRODUCED BY R. LYNCH

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~~ PETITIONER shall cause to be published at least once a week for 2 successive calendar weeks; in ~~some a~~ 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~~ the petition ~~will be had and containing that includes~~ a brief statement of the matters set forth in ~~said the~~ 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~~ 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~~ 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~~ PETITIONER shall; within 3 days ~~after the first publication aforesaid,~~ of the first publication of the notice mail a copy of ~~said the~~ the notice to each ~~such nonresident whose post office address is stated in said the~~ such nonresident whose post office address is stated in the petition. The ~~certificate of the clerk of the district court, under the seal of the court,~~ AFFIDAVIT OF PUBLICATION as to the facts of the publishing and mailing of ~~said the~~ the notice affixed to a copy ~~thereof shall be~~ of the notice is sufficient evidence of ~~such the~~ the facts.

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

