

HOUSE BILL NO. 729  
INTRODUCED BY RASER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ADVERTISING AND PUBLICATION REQUIREMENTS FOR BOARDS OF COUNTY COMMISSIONERS AND CERTAIN OTHER UNITS OF LOCAL GOVERNMENT; PROVIDING THAT A NEWSLETTER OR OTHER PUBLICATION PRODUCED BY A LOCAL GOVERNMENT IS NOT CONSIDERED A NEWSPAPER FOR COUNTY ADVERTISING PURPOSES; AND AMENDING ~~SECTION~~ SECTIONS 7-1-2121 AND 7-5-2411, MCA."

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

**SECTION 1. SECTION 7-1-2121, MCA, IS AMENDED TO READ:**

**"7-1-2121. Publication and content of notice -- proof of publication.** 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 a newspaper meets~~ does not meet 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) (a) The newspaper must ~~be~~:

(i) be of general circulation;

(ii) be published at least once a week; ~~and~~

(iii) be published in the county where the hearing or other action will take place; and

(iv) have, prior to July 1 of each year, submitted to the clerk and recorder a sworn statement that includes:

(A) circulation for the prior 12 months;

(B) a statement of net distribution;

(C) itemization of the circulation that is paid and that is free; and

(D) the method of distribution.

(b) A newspaper of general circulation does not include a newsletter or other document produced or published by the local government unit.

(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 each publication.

(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

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

(7) A published notice required by law may be supplemented by a radio or television broadcast of the notice in the manner prescribed in 2-3-105 through 2-3-107.

(8) Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher, printer, or clerk of the newspaper or of the person posting the notice."

**Section 2.** Section 7-5-2411, MCA, is amended to read:

**"7-5-2411. County printing contract.** (1) The county commissioners shall contract for all advertising required by law and all printed forms required by the county. The advertising required by law must be awarded to a newspaper that:

(a) is published in the county;

(b) has general ~~bona fide and paid~~ circulation ~~with the second-class mailing privilege~~; and

(c) has been published continuously at least once a week in the county for the 12 months preceding the awarding of the contract; AND

~~\_\_\_\_\_ (D) HAS BETWEEN SEPTEMBER 1 AND DECEMBER 31 OF EACH YEAR PUBLISHED A SWORN UNITED STATES POSTAL SERVICE PERIODICALS-CLASS STATEMENT OF OWNERSHIP AND CIRCULATION OR A STATEMENT OF OWNERSHIP AND CIRCULATION VERIFIED BY A RECOGNIZED, INDEPENDENT CIRCULATION AUDITING AGENCY COVERING A PERIOD OF AT LEAST 1 YEAR ENDING NO EARLIER THAN JUNE 30 PRECEDING THE PUBLICATION DEADLINE; AND~~

~~\_\_\_\_\_ (E) HAS SUBMITTED TO THE COUNTY CLERK AND RECORDER, SUBSEQUENT TO FILING THE SWORN STATEMENT REQUIRED UNDER SUBSECTION (1)(D), A FILING CONTAINING THE NEWSPAPER'S NAME, ADDRESS OF ITS KNOWN OFFICE OF ISSUE, AND TELEPHONE NUMBER AND A STATEMENT THAT IT HAS COMPLIED WITH THE REQUIREMENTS OF THIS SECTION.~~

~~THE CLERK AND RECORDER SHALL MAKE THE LIST OF NEWSPAPERS THAT HAVE FILED AVAILABLE FOR PUBLIC INSPECTION.~~

~~(D) PRIOR TO JULY 1 OF EACH YEAR, HAS SUBMITTED TO THE CLERK AND RECORDER A SWORN STATEMENT THAT INCLUDES:~~

~~(I) CIRCULATION FOR THE PRIOR 12 MONTHS;~~

~~(II) A STATEMENT OF NET DISTRIBUTION;~~

~~(III) ITEMIZATION OF THE CIRCULATION THAT IS PAID AND THAT IS FREE; AND~~

~~(IV) THE METHOD OF DISTRIBUTION.~~

~~(2) A newsletter or other document produced or published by the local government unit is not considered a newspaper that has general circulation as provided in subsection (1).~~

~~(2)(3)~~ Contracts for printed forms and materials may be awarded on an annual basis or may be awarded for a specific printing job.

~~(3)(4)~~ (a) The county clerk and recorder shall maintain a list of willing bidders for county printing and shall notify the printing establishments on the list of any call for bids.

(b) A printing establishment must be added to the county clerk and recorder's list when the clerk and recorder receives a written request from the printing establishment.

(c) The county clerk and recorder may delete the name of any printing establishment from the list if it has not submitted a bid during the previous 365 days."

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