

HOUSE BILL NO. 258

INTRODUCED BY B. SMITH

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CIRCUMSTANCES UNDER WHICH A LOCAL GOVERNMENT IS CONSIDERED TO HAVE COMPLIED WITH CERTAIN REQUIREMENTS FOR PUBLICATION OF NOTICE; AND AMENDING SECTIONS 7-1-2121 AND 7-1-4127, 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 a newspaper 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:

- (i) be of general circulation;
- (ii) be published at least once a week;
- (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.



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

3 (5) The notice must be published twice, with at least 6 days separating each publication.

4 (6) The published notice must contain:

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

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

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

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

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

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

14 (9) If the newspaper fails to publish a second notice, the local government unit must be considered to  
15 have met the requirements of this section as long as the local government unit submitted the required information  
16 prior to the submission deadline and the notice was posted in three public places in the county that were  
17 designated by resolution."

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19 **Section 2.** Section 7-1-4127, MCA, is amended to read:

20 **"7-1-4127. Publication of notice -- content -- proof.** (1) When a municipality is required to publish  
21 notice, publication must be in a newspaper, except that in a municipality with a population of 500 or less or in  
22 which a newspaper is not published, publication may be made by posting in three public places in the municipality  
23 that have been designated by ordinance.

24 (2) The newspaper must:

25 (a) be of general circulation;

26 (b) be published at least once a week;

27 (c) be published in the county where the municipality is located; and

28 (d) have, prior to July 1 of each year, submitted to the city clerk a sworn statement that includes:

29 (i) circulation for the prior 12 months;

30 (ii) a statement of net distribution;

- 1 (iii) itemization of paid circulation and circulation that is free; and  
2 (iv) the method of distribution.
- 3 (3) A newspaper of general circulation does not include a newsletter or other document produced or  
4 published by the municipality.
- 5 (4) In the case of a contract award, the newspaper must have been published continuously in the county  
6 for the 12 months preceding the awarding of the contract.
- 7 (5) In a county where a newspaper does not meet the qualifications in subsection (2), publication must  
8 be made in a qualified newspaper in an adjacent county.
- 9 (6) If a person is required by law or ordinance to pay for publication, the payment must be received  
10 before the publication may be made.
- 11 (7) The notice must be published twice, with at least 6 days separating each publication.
- 12 (8) The published notice must contain:
- 13 (a) the date, time, and place of the hearing or other action;  
14 (b) a brief statement of the action to be taken;  
15 (c) the address and telephone number of the person who may be contacted for further information on  
16 the action to be taken; and  
17 (d) any other information required by the specific section requiring notice by publication.
- 18 (9) A published notice required by law may be supplemented by a radio or television broadcast of the  
19 notice in the manner prescribed in 2-3-105 through 2-3-107.
- 20 (10) Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher,  
21 printer, or clerk of the newspaper or of the person posting the notice.
- 22 (11) If the newspaper fails to publish a second notice, the municipality must be considered to have met  
23 the requirements of this section as long as the municipality submitted the required information prior to the  
24 submission deadline and the notice was posted in three public places in the municipality that were designated  
25 by ordinance."

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- END -