

1 HOUSE BILL NO. 405

2 INTRODUCED BY R. COOK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LOCAL GOVERNMENT LAWS;
5 PROVIDING FOR FILLING A VACANCY ON A COUNTY ADMINISTRATIVE BOARD AND A SPECIAL
6 DISTRICT BOARD; REVISING THE DATE FOR FILLING A VACANCY IN A COUNTY OFFICE; INCREASING
7 THE AMOUNT OF A CONTRACT FOR WHICH THE STATE RESIDENT BIDDING PREFERENCE WOULD
8 APPLY; PROVIDING FOR PROTEST OF A PROPOSED DISSOLUTION OF A SPECIAL DISTRICT;
9 CLARIFYING THAT THE BOARD OF COUNTY COMMISSIONERS IS THE ENTITY TO APPOINT A RURAL
10 FIRE DISTRICT TRUSTEE IF THERE IS NOT A CANDIDATE FOR A TRUSTEE OFFICE; CLARIFYING THAT
11 THE BOARD OF COUNTY COMMISSIONERS IS THE ENTITY TO RECEIVE NOTICE OF A CANCELLATION
12 OF AN ELECTION AND TO FILL A POSITION UPON CANCELLATION OF AN ELECTION; CLARIFYING
13 REQUIREMENTS FOR COUNTY LEGAL ADVERTISING AND COUNTY PRINTING CONTRACTS; AMENDING
14 SECTIONS 7-1-201, 7-4-2206, 7-5-2309, 7-11-1021, 7-11-1029, 7-13-2233, 7-33-2106, 13-1-402, 13-1-403,
15 13-1-501, 13-1-502, 15-17-122, 18-7-411, 18-7-412, AND 18-7-413, MCA; AND PROVIDING AN EFFECTIVE
16 DATE."

17

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

19

20 **Section 1.** Section 7-1-201, MCA, is amended to read:

21 **"7-1-201. Boards.** (1) A board of county commissioners may by resolution establish the administrative
22 boards, districts, or commissions allowed by law or required by law to be established pursuant to 7-1-202,
23 7-1-203, Title 7, chapter 11, part 10, and this section and listed in 7-1-202. The resolution creating an
24 administrative board, district, or commission must specify:

25 (a) the number of administrative board, district board, or commission members;

26 (b) the terms of the members;

27 (c) whether members are entitled to mileage, per diem, expenses, and salary; and

28 (d) any special qualifications for membership in addition to those established by law.

29 (2) (a) An administrative board, a district board, or a commission may be assigned responsibility for a
30 department or service district.

- 1 (b) An administrative board, a district board, or a commission may:
- 2 (i) exercise administrative powers as granted by resolution, except that it may not pledge the credit of
- 3 the county or impose a tax unless specifically authorized by state law; and
- 4 (ii) administer programs, establish policy, and adopt administrative and procedural rules.
- 5 (c) The resolution creating an administrative board, a district board, or a commission must grant the
- 6 administrative board, district board, or commission all powers necessary and proper to the establishment,
- 7 operation, improvement, maintenance, and administration of the department or district.
- 8 (d) If authorized by resolution, an administrative board, a district board, or a commission may employ
- 9 personnel to assist in its functions.
- 10 (3) (a) An administrative board, a district board, or a commission may be made elective.
- 11 (b) If an administrative board, a district board, or a commission is made elective, the election must be
- 12 conducted as provided in Title 13, chapter 1, part 5.
- 13 (c) A vacancy created pursuant to 2-16-501 occurring during a term must be filled for the unexpired term
- 14 by the county commissioners. The member appointed to fill the vacancy holds the office until a successor has
- 15 been elected and qualified.
- 16 (4) An administrative board, a district board, or a commission may not sue or be sued independently of
- 17 the local government unless authorized by state law.
- 18 (5) (a) If administrative board, district board, or commission members are to be appointed, the members
- 19 must be appointed by the county commissioners. The county commissioners shall post prospective membership
- 20 vacancies at least 1 month prior to filling the vacancy. A vacancy created pursuant to 2-16-501 occurring during
- 21 a term must be filled for the unexpired term by the county commissioners. The member appointed to fill the
- 22 vacancy holds the office until a successor has been appointed and qualified.
- 23 (b) The county commissioners shall maintain a register of appointments, including:
- 24 (i) the name of the administrative board, district board, or commission;
- 25 (ii) the date of appointment and confirmation, if any is required;
- 26 (iii) the length of term;
- 27 (iv) the name and term of the presiding officer and other officers of each administrative board, district
- 28 board, or commission; and
- 29 (v) the date, time, and place of regularly scheduled meetings.
- 30 (c) Terms for members of elected or appointed boards or commissions may not exceed 4 years. Unless

1 otherwise provided by resolution, members shall serve terms beginning on July 1 and shall serve at the pleasure
2 of the county commissioners.

3 (6) An administrative board, a district board, or a commission must consist of a minimum of 3 members
4 and must have an odd number of members.

5 (7) The resolution creating an administrative board, a district board, or a commission may provide for
6 voting or nonvoting ex officio members.

7 (8) Two or more local governments may provide for a joint administrative board, district board, or
8 commission to be established by interlocal agreement.

9 (9) A majority of members constitutes a quorum for the purposes of conducting business and exercising
10 powers and responsibilities. Action may be taken by a majority vote of members present and voting unless the
11 resolution creating the board, district, or commission specifies otherwise.

12 (10) An administrative board, a district board, or a commission shall provide for the keeping of written
13 minutes, including the final vote on all actions and the vote of each member.

14 (11) An administrative board, a district board, or a commission shall provide by rule for the date, time,
15 and place of regularly scheduled meetings and file the information with the county commissioners.

16 (12) Unless otherwise provided by law, a person must be a CITIZEN OF THE UNITED STATES AND A resident
17 of the county to be eligible for appointment to an administrative board, a district board, or a commission. The
18 county commissioners may prescribe by resolution additional qualifications for membership.

19 (13) A person may be removed from an administrative board, a district board, or a commission for cause
20 by the county commissioners or as provided by resolution.

21 (14) A resolution creating an administrative board, a district board, or a commission must contain, if
22 applicable, budgeting and accounting requirements for which the administrative board, district board, or
23 commission is accountable to the county commissioners.

24 (15) If a municipality creates a special district in accordance with Title 7, chapter 11, part 10, the
25 governing body of the municipality shall comply with this section if the governing body chooses to have the special
26 district governed by a separate board."
27

28 **Section 2.** Section 7-4-2206, MCA, is amended to read:

29 **"7-4-2206. Vacancies -- appointment of interim officer.** (1) For the purposes of this part, "vacancy"
30 has the same meaning as prescribed in 2-16-501.

1 (2) (a) Vacancies in all county offices, except that of county commissioner, must be filled by appointment
2 by the board of county commissioners. Except as provided in subsections (3) and (4), the appointee holds the
3 office, if elective, until the person elected at the next general election is certified pursuant to 13-15-406. If the
4 office is not elective, the appointee serves at the pleasure of the commissioners.

5 (b) The commissioners may appoint a person to serve as an interim officer for the time period between
6 occurrence of the vacancy and the date on which the vacancy is filled pursuant to this section. A person
7 appointed as an interim officer must have the qualifications required under this chapter for the office to which the
8 person has been appointed. Upon appointment, the interim officer is authorized to perform the duties assigned
9 by law to that office.

10 (3) Whenever a vacancy occurs prior to August 1 before the general election held during the second year
11 of the term, an individual must be elected to complete the term at that general election. The election procedure
12 to be used to elect the successor is as follows:

13 (a) Whenever the vacancy occurs prior to March 1 before the primary election during the second year
14 of the term, the same procedure must be used as is used to elect a person to that office for a full 4-year term.

15 (b) Whenever the vacancy occurs on or after March 1 before the primary election, any political party
16 desiring to enter a candidate in a partisan election in the general election shall select a candidate as provided
17 in 13-38-204. A political party shall notify the county election administrator of the party nominee. A person desiring
18 to be a candidate as an independent shall follow the procedures provided in 13-10-501 and 13-10-502. The
19 petition for an independent candidate must be filed with the county election administrator prior to August 1 before
20 the general election. A candidate for a nonpartisan office shall file as provided in Title 13, chapter 14.

21 (4) Whenever a vacancy occurs ~~on or~~ after July 31 before the general election held during the second
22 year of the term, the person appointed by the commissioners under subsection (2) shall serve until the end of the
23 term."

24

25 **Section 3.** Section 7-5-2309, MCA, is amended to read:

26 **"7-5-2309. Optional bidding preference for county resident.** (1) If there are no out-of-state bidders
27 for a contract subject to competitive bid under this part, the contract may be awarded to the lowest and best
28 responsible bidder that is a county resident and that makes a bid that is no more than \$500 or 3% higher,
29 whichever is less, than the bid of the lowest responsible bidder that is not a county resident.

30 (2) If there is one or more out-of-state bidders for a contract for construction, repair, or maintenance of

1 a building, road, or bridge that is in excess of ~~\$50,000~~ \$80,000 and that is subject to competitive bid under this
 2 part, the state resident bid preference provided in 18-1-102(1)(a) applies.

3 (3) For the purposes of this section, "county resident" means a person, corporation, business, or other
 4 entity whose principal business location is within the county."

5

6 **Section 4.** Section 7-11-1021, MCA, is amended to read:

7 **"7-11-1021. Governance -- powers and duties.** (1) A special district must be administered and
 8 operated either by the governing body or by a separate elected or appointed board as determined by the
 9 governing body.

10 (2) (a) If the special district is governed by a separate board, the board must be established in
 11 accordance with Title 7, chapter 1, part 2, and specific powers and duties granted to the board and those
 12 specifically withheld must be stated.

13 (b) A vacancy created pursuant to 2-16-501 occurring during a term must be filled for the unexpired term
 14 by the governing body. The member appointed to fill the vacancy holds the office until a successor has been
 15 appointed and qualified.

16 ~~(b)~~(c) The governing body may grant additional powers to the board. This includes the authorization to
 17 use privately contracted legal counsel or the attorney of the governing body. If privately contracted counsel is
 18 used, notice must be provided to the attorney of the governing body.

19 ~~(c)~~(d) The governing body has ultimate authority under this subsection (2).

20 (3) The entity chosen to administer the special district, as provided in subsection (1), may:

21 (a) implement a program and order improvements for the special district designed to fulfill the purposes
 22 of the special district;

23 (b) employ personnel directly related to the specific improvement or program;

24 (c) purchase, rent, or lease equipment, personal property, and material necessary to develop and
 25 implement an effective program;

26 (d) cooperate or contract with any corporation, association, individual, or group of individuals, including
 27 any agency of federal, state, or local government, in order to develop and implement an effective program;

28 (e) receive gifts, grants, or donations for the purpose of advancing the program and, by gift, deed, devise,
 29 or purchase, acquire land, facilities, buildings, and material necessary to implement the purposes of the special
 30 district;

1 (f) construct, improve, and maintain new or existing facilities and buildings necessary to accomplish the
2 purposes of the special district;

3 (g) provide grants to private, nonprofit entities as part of implementing an effective program;

4 (h) adopt a seal and alter it at the entity's pleasure;

5 (i) administer local ordinances as appropriate;

6 (j) establish district capital improvement funds pursuant to 7-6-616, maintenance funds, and debt service
7 funds; and

8 (k) borrow money by the issuance of:

9 (i) general obligation bonds as authorized by the governing body pursuant to Title 7, chapter 6, part 40,
10 and the appropriate provisions of Title 7, chapter 7, part 22 or 42; or

11 (ii) revenue bonds for the lease, purchase, and maintenance of land, facilities, and buildings and the
12 funding of projects in the manner and subject to the appropriate provisions of Title 7, chapter 7, part 25 or 44.

13 (4) If the special district is administered by a separate board, the board shall submit annual budget and
14 work plans to the governing body for review and approval.

15 (5) The right to exercise eminent domain pursuant to 70-30-102 is limited to cemetery districts."
16

17 **Section 5.** Section 7-11-1029, MCA, is amended to read:

18 **"7-11-1029. Dissolution of special district.** (1) A special district may be dissolved if it is considered
19 to be in the best interest of a local government or the inhabitants of the local government or if the purpose for
20 creating the special district has been fulfilled and the special district is not needed in perpetuity.

21 (2) The governing body may pass a resolution of intention to dissolve a special district upon its own
22 request or upon request of the separate board administering the special district.

23 (3) After the passage of the resolution provided for in subsection (2), the clerk of the local government
24 that established the special district shall publish a notice, as provided in 7-1-2121 or 7-1-4127, of the intention
25 to dissolve the district.

26 (4) (a) The notice must specify the boundaries of the special district to be dissolved, the date of the
27 passage of the resolution of intention to dissolve, the date set for the passage of the resolution of dissolution, and
28 that the resolution will be passed unless the clerk of the local government receives written protest in advance
29 from:

30 ~~_____ (a) 40% of registered voters or 40% of the owners of real property in the district; or~~

1 ~~_____ (b) 40% of registered voters or 40% of the property taxpayers in the district if the district program or~~
 2 ~~improvements have been financed through a mill levy. the owners of property in the district who are assessed~~
 3 ~~for:~~

4 (i) 50% or more of the cost of the program or improvements; or

5 (ii) more than 10% but less than 50% of the cost of the program or improvements.

6 (b) If the governing body receives the protest as provided in subsection (4)(a)(i), further dissolution
 7 proceedings may not be taken by the governing body for at least 12 months.

8 (c) If the governing body receives the protest as provided in subsection (4)(a)(ii), the governing body
 9 shall order a referendum on the dissolution in accordance with 7-11-1011.

10 (d) In determining whether or not sufficient protests have been filed, property owned by a governmental
 11 entity must be considered the same as any other property in the district.

12 (e) The decision of the governing body is final and conclusive.

13 (5) If the special district is dissolved, the clerk of the local government shall immediately send written
 14 notice to:

15 (a) the secretary of state; and

16 (b) the department of revenue, providing the same information required in 7-11-1014 when a district is
 17 created. The department of revenue and the state library shall respond to the dissolution in the same manner as
 18 they respond to the creation of a district, as described in 7-11-1014.

19 (6) The dissolution of a special district may not relieve the property owners from the assessment and
 20 payment of a sufficient amount to liquidate all charges existing against the special district prior to the date of
 21 dissolution.

22 (7) Any assets remaining after all debts and obligations of the special district have been paid, discharged,
 23 or irrevocably settled must be:

24 (a) deposited in the general fund of the local government;

25 (b) in the case of multiple local governments, divided in accordance with their interlocal agreement and
 26 deposited in the general fund of each local government; or

27 (c) transferred to a new special district that has been created to provide substantially the same service
 28 as provided by the dissolved special district.

29 (8) If the remaining assets are derived from private grants or gifts that restrict the use of those funds, the
 30 funds must be returned to the grantor or donor."

1

2 **SECTION 6.** SECTION 7-13-2233, MCA, IS AMENDED TO READ:3 **"7-13-2233. Qualifications of directors.** ~~Any director so elected or appointed shall be an owner or~~
4 ~~lessee of real property within said district or a resident therein~~ (1) To be eligible for election or appointment to a
5 board of directors, a person must be:6 (a) registered to vote as required by law;7 (b) 18 years of age or older;8 (c) a citizen of the United States; and9 (d) a resident of the district or an owner of real property in the district who is a resident of the state of
10 Montana.11 (2) A person who is serving on a board of directors on [the effective date of this act] who does not meet
12 the qualifications under subsection (1) may serve the remainder of the person's term but may not be reelected
13 or reappointed to the board. A person elected or appointed after [the effective date of this act] must meet the
14 qualifications of subsection (1)."

15

16 **Section 7.** Section 7-33-2106, MCA, is amended to read:17 **"7-33-2106. Details relating to board of trustees of fire district -- election -- qualified electors.**18 (1) (a) The five trustees initially appointed by the county commissioners hold staggered terms of office until their
19 successors are elected or appointed and qualified as provided in this section.

20 (b) The initial trustees' terms of office must be drawn by lot and include:

21 (i) 3 years for one trustee;

22 (ii) 2 years for two trustees; and

23 (iii) 1 year for two trustees.

24 (c) Upon expiration of the terms provided in subsection (1)(b), each subsequent trustee shall serve a
25 3-year term of office.

26 (d) A term of office begins on the date of the trustee's election or appointment.

27 (2) Trustee elections must be conducted in accordance with Title 13, chapter 1, part 5.

28 (3) An appointment to fill a vacancy occurring during the term of office of a trustee must be made by the
29 county governing body and the appointee shall hold office until the next trustee election.

30 (4) An elector, as defined in 13-1-101, who resides in the district or any holder of title to lands within the

1 district who presents a proof of payment of taxes on the lands at the polling place is eligible to vote in the election.

2 (5) Any person eligible to vote in the election may file a declaration of candidacy for the office of trustee.

3 The declaration must be filed with the election administrator in the county conducting the election pursuant to

4 13-1-505 within the time period specified in 13-1-502.

5 (6) If there is not a candidate for one or more trustee offices, the ~~county governing body~~ board of county

6 commissioners shall appoint one or more trustees as necessary to fill those offices. A trustee taking office

7 pursuant to this subsection serves the trustee term of office as if that trustee had been elected.

8 (7) The trustees shall organize by choosing presiding officers and appointing one member to act as

9 secretary."

10

11 **Section 8.** Section 13-1-402, MCA, is amended to read:

12 **"13-1-402. Purpose -- definition.** (1) The purpose of this part is to consolidate, simplify, and

13 standardize, to the extent feasible, dates and deadlines for local government elections and to provide more

14 consistency for election administrators and voters.

15 (2) For the purposes of this part, "local government" means a ~~local government entity, other than a~~

16 ~~special purpose district or a school district,~~ county, a consolidated government, or an incorporated city or town

17 that is conducting an election that may be held on the same day as a primary election but is not a primary

18 election, such as an election on a question or an election for officers that does not involve a primary."

19

20 **Section 9.** Section 13-1-403, MCA, is amended to read:

21 **"13-1-403. Election deadlines for candidate filing, write-in candidacy, and withdrawal -- election**

22 **cancellation -- election by acclamation.** (1) Consistent with the candidate filing deadline in 13-10-201(7) for

23 primary elections and except as provided in subsection (2) for a write-in candidate, the candidate filing deadline

24 for election to a local government office is no sooner than 145 days and no later than 85 days before the election.

25 (2) Consistent with the deadline for write-in candidates under 13-10-211 for primary elections, a

26 declaration of intent to be a write-in candidate must be filed with the election administrator by 5 p.m. on the 10th

27 day before the date on which the ballot must be available for absentee or mail ballot voting under 13-1-404, as

28 applicable.

29 (3) Consistent with the withdrawal deadline in 13-10-325 for primary elections, a candidate may not

30 withdraw after the candidate filing deadline provided in subsection (1).

1 (4) Except as provided in subsection (5)(b) and unless otherwise specifically provided by law, if the
 2 number of candidates filing for election is equal to or less than the number of positions to be filled, the election
 3 administrator shall notify the governing body of the local government in writing that the election is not necessary
 4 and the governing body may by resolution cancel the election.

5 (5) (a) If an election has been canceled and there is only one candidate for a position, the governing
 6 body of the local government shall declare the candidate elected to the position by acclamation.

7 (b) If an election has been canceled and there are no regular or declared write-in candidates for a
 8 position, the governing body of the local government shall fill the position by appointment. The term of an
 9 appointed member must be the same as if the member were elected."

10

11 **Section 10.** Section 13-1-501, MCA, is amended to read:

12 **"13-1-501. Purpose -- definition.** (1) The purpose of this part is to consolidate, simplify, and
 13 standardize, to the extent feasible, dates and deadlines for special purpose district elections and to provide more
 14 consistency for election administrators and voters.

15 (2) Nothing in this part may be interpreted to require the secretary of state to oversee special purpose
 16 district elections.

17 (3) For the purposes of this part, "local government" has the meaning provided in 13-1-402.

18

19 ~~Section 10.~~ Section 13-1-502, MCA, is amended to read:

20 ~~"13-1-502. Deadlines for candidate filing, write-in candidacy, and withdrawal -- election~~
 21 ~~cancellation -- election by acclamation.~~ (1) Consistent with the candidate filing deadline in 13-10-201(7) for
 22 primary elections and except as provided in subsection (3) for a write-in candidate, the candidate filing deadline
 23 for election to a special purpose district office is no sooner than 145 days and no later than 85 days before the
 24 election.

25 ~~(2) Consistent with the withdrawal deadline in 13-10-325 for primary elections, a candidate may not~~
 26 ~~withdraw after the candidate filing deadline provided in subsection (1).~~

27 ~~(3) Consistent with the deadline for write-in candidates under 13-10-211 for primary elections, a~~
 28 ~~declaration of intent to be a write-in candidate must be filed with the election administrator by 5 p.m. on the 10th~~
 29 ~~day before the date on which the ballot must be available for absentee or mail ballot voting under 13-1-503, as~~
 30 ~~applicable.~~

1 ~~———— (4) If by the write-in candidate deadline in subsection (3) the number of candidates is equal to or less~~
 2 ~~than the number of positions to be filled at the election, the election administrator shall cancel the election and,~~
 3 ~~pursuant to 13-1-304, immediately notify the governing body of the local government in writing of the cancellation.~~

4 ~~However, the governing body of the local government may by resolution require that the election be held.~~

5 ~~———— (5) (a) If an election has been canceled and there is only one candidate for a position, the governing~~
 6 ~~body of the local government shall declare the candidate elected to the position by acclamation.~~

7 ~~———— (b) Except as otherwise provided by law:~~

8 ~~———— (i) if an election has been canceled and there are no regular or declared write-in candidates for a~~
 9 ~~position, the governing body of the local government shall fill the position by appointment;~~

10 ~~———— (ii) an appointed member shall serve the same term as if the member were elected."~~

11

12 **SECTION 11. SECTION 13-1-502, MCA, IS AMENDED TO READ:**

13 **"13-1-502. Deadlines for candidate filing, write-in candidacy, and withdrawal -- election**
 14 **cancellation -- election by acclamation.** (1) Consistent with the candidate filing deadline in 13-10-201(7) for
 15 primary elections and except as provided in subsection (3) for a write-in candidate, the candidate filing deadline
 16 for election to a special purpose district office is no sooner than 145 days and no later than 85 days before the
 17 election.

18 (2) Consistent with the withdrawal deadline in 13-10-325 for primary elections, a candidate may not
 19 withdraw after the candidate filing deadline provided in subsection (1).

20 (3) Consistent with the deadline for write-in candidates under 13-10-211 for primary elections, a
 21 declaration of intent to be a write-in candidate must be filed with the election administrator by 5 p.m. on the 10th
 22 day before the date on which the ballot must be available for absentee or mail ballot voting under 13-1-503, as
 23 applicable.

24 (4) ~~(a) If~~ Except as provided in subsection (4)(b), if by the write-in candidate deadline in subsection (3)
 25 the number of candidates is equal to or less than the number of positions to be filled at the election, the election
 26 administrator shall cancel the election and, pursuant to 13-1-304, immediately notify the governing body of the
 27 local government in writing of the cancellation. However, the governing body of the local government may by
 28 resolution require that the election be held.

29 (b) For an election of conservation district supervisors held in conjunction with a federal primary or
 30 federal general election, if by the candidate filing deadline under subsection (1) the number of candidates is equal

1 to or less than the number of positions to be filled at the election, the election administrator shall cancel the
 2 election and immediately notify the governing body of the conservation district in writing of the cancellation.
 3 However, the governing body of the conservation district may, by no later than 10 days after the candidate filing
 4 deadline, pass a resolution to require that the election be held.

5 (5) (a) If an election has been canceled and there is only one candidate for a position, the governing
 6 body of the local government or, if appropriate, of the conservation district shall declare the candidate elected
 7 to the position by acclamation.

8 (b) Except as otherwise provided by law:

9 (i) if an election has been canceled and there are no regular or declared write-in candidates for a
 10 position, the governing body of the local government or, if appropriate, of the conservation district shall fill the
 11 position by appointment;

12 (ii) an appointed member shall serve the same term as if the member were elected."
 13

14 **Section 12.** Section 15-17-122, MCA, is amended to read:

15 **"15-17-122. Notice of pending tax lien sale.** (1) The county treasurer shall publish or post a notice of
 16 a pending tax lien sale. The notice must include:

17 (a) the specific time, date, and place an interest in the property on which the taxes are delinquent will
 18 be offered for sale;

19 (b) a statement that the delinquent taxes, including penalties, interest, and costs, are a lien upon the
 20 property and that unless the delinquent taxes, penalties, interest, and costs are paid prior to the time of the tax
 21 lien sale, the lien will be offered for sale at the time and place specified in subsection (1)(a).

22 (2) The notice required in subsection (1) must also include a statement that a list of each property on
 23 which the taxes are delinquent is on file in the office of the county treasurer and open to inspection. The list must
 24 include:

25 (a) the name and address of the person to whom the delinquent taxes are assessed;

26 (b) the amounts of the delinquent taxes, all accrued penalties, interest, and other costs; and

27 (c) a statement that penalties, interest, and costs will be added to delinquent taxes.

28 (3) The notice must be ~~published once a week for 3 consecutive weeks in the newspaper designated~~
 29 ~~for county printing as provided in 18-7-411. If no newspaper is published in the county, the notice must be posted~~
 30 ~~by the county treasurer in three public places: given as provided in 7-1-2121.~~ The notice must be first published

1 or posted on or before the last Monday in June.

2 (4) Except as provided in 15-17-211(2), the tax lien sale may not be held less than 21 days or more than
3 28 days from the date of first publication or first day the notice is posted.

4 (5) The sale must be held at the office of the county treasurer.

5 (6) Property on which taxes are delinquent but for which proper notification was not made may not be
6 included in the current year's notice and tax lien sale. In the event of improper notification, the tax lien sale may
7 be held on all property properly noticed.

8 (7) The provisions of this section do not apply to property for which delinquent property taxes have been
9 suspended or canceled under the provisions of Title 15, chapter 24, part 17."

10

11 **Section 13.** Section 18-7-411, MCA, is amended to read:

12 **"18-7-411. County printing advertising -- contract.** (1) The county commissioners shall contract for
13 all advertising required by law ~~and all printed forms required by the county.~~ The advertising required by law must
14 be awarded to a newspaper that:

15 (a) is published in the county;

16 (b) has general circulation;

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

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

20 (i) circulation for the prior 12 months;

21 (ii) a statement of net distribution;

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

23 (iv) the method of distribution.

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

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

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

30 ~~———— (b) A printing establishment must be added to the county clerk and recorder's list when the clerk and~~

1 recorder receives a written request from the printing establishment.

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

4 (3) The term of a contract for county legal advertising may not exceed a period of 2 years."

5

6 **Section 14.** Section 18-7-412, MCA, is amended to read:

7 **"18-7-412. ~~Details relating to County printing contract.~~** (1) The contract must be let to the printing
8 establishment that in the judgment of the county commissioners is the most suitable for performing the work. The
9 county commissioners shall require a contractor to perform the county printing contract subject to the
10 requirements of Title 18, chapter 1, part 2.

11 ~~(2) This part may not be construed to compel the acceptance of unsatisfactory work.~~

12 ~~—— (3) The term of a contract for county printing or county legal advertising may not exceed a period of 2~~
13 ~~years.~~

14 (2) Contracts for printed forms and materials may be awarded on an annual basis or may be awarded
15 for a specific printing job. The term of a contract for county printing may not exceed a period of 2 years.

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

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

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

22 (4) This part may not be construed to compel the acceptance of unsatisfactory work."

23

24 **Section 15.** Section 18-7-413, MCA, is amended to read:

25 **"18-7-413. Competitive bids required.** The board of county commissioners shall call for competitive
26 bids;

27 (1) from persons or firms qualified to bid on county printing; ~~under the terms of this part;~~ or

28 (2) for county legal advertising if there is more than one legally qualified newspaper in the county; ~~under~~
29 the terms of this part."

30

