

## 1 SENATE BILL NO. 5

2 INTRODUCED BY M. DUNWELL

3 BY REQUEST OF THE LOCAL GOVERNMENT INTERIM COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COUNTY AND MUNICIPAL PUBLIC NOTICE  
6 REQUIREMENTS; REMOVING REQUIREMENTS FOR A COUNTY TO PUBLISH NOTICE IN AN ADJACENT  
7 COUNTY IF THE COUNTY DOES NOT HAVE A QUALIFIED NEWSPAPER; ALLOWING A COUNTY OR  
8 MUNICIPALITY TO POST NOTICES TO A WEBSITE IN AREAS WHERE NO QUALIFIED NEWSPAPER  
9 EXISTS; AND AMENDING SECTIONS 7-1-2121, 7-1-4127, AND 15-18-225, MCA."

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

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13 **Section 1.** Section 7-1-2121, MCA, is amended to read:

14 **"7-1-2121. Publication and content of notice – proof of publication.** (1) Unless otherwise  
15 specifically provided by law and except as provided in 13-1-108, whenever a local government unit other than a  
16 municipality is required to give notice by publication, this section applies.

17 (2) Publication must be in a newspaper meeting the qualifications of subsections (3) and (4),  
18 except that in a county where a newspaper does not meet these qualifications, ~~publication must be made in a~~  
19 ~~qualified newspaper in an adjacent county. If there is no qualified newspaper in an adjacent county,~~ publication  
20 must be made by posting the notice in three public places in the county, designated by resolution of the  
21 governing body, one of which may be the county's website if the county has an active website.

22 (3) (a) The newspaper must:

23 (i) be of general circulation;

24 (ii) be published at least once a week;

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

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

28 (A) circulation for the prior 12 months;

1 (B) a statement of net distribution;

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

3 (D) the method of distribution.

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

6 (4) In the case of a contract award, the newspaper must have been published continuously in the  
7 county for the 12 months preceding the awarding of the contract.

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

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

11 (7) The published notice must contain:

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

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

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

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

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

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

21 (10) If the newspaper fails to publish a second notice, the local government unit must be considered  
22 to have met the requirements of this section as long as the local government unit submitted the required  
23 information prior to the submission deadline and the notice was posted in three public places in the county that  
24 were designated by resolution and, if the county has an active website, was posted on the county's website at  
25 least 6 days prior to the hearing or other action for which notice was required."

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

28 **"7-1-4127. Publication of notice -- content -- proof.** (1) When a municipality is required to publish

1 notice, publication must be in a newspaper, except that in a municipality with a population of 500 or less or in  
 2 which a newspaper is not published, publication may be made by posting in three public places in the  
 3 municipality that have been designated by ordinance, one of which may be the municipality's website if the  
 4 municipality has an active website.

5 (2) The newspaper must:

6 (a) be of general circulation;

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

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

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

10 (i) circulation for the prior 12 months;

11 (ii) a statement of net distribution;

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

13 (iv) the method of distribution.

14 (3) A newspaper of general circulation does not include a newsletter or other document produced  
 15 or published by the municipality.

16 (4) In the case of a contract award, the newspaper must have been published continuously in the  
 17 county for the 12 months preceding the awarding of the contract.

18 ~~(5) In a county where a newspaper does not meet the qualifications in subsection (2), publication~~  
 19 ~~must be made in a qualified newspaper in an adjacent county.~~

20 ~~(6)(5)~~ If a person is required by law or ordinance to pay for publication, the payment must be received  
 21 before the publication may be made.

22 ~~(7)(6)~~ The notice must be published twice, with at least 6 days separating each publication.

23 ~~(8)(7)~~ The published notice must contain:

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

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

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

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

