

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1  
2  
3  
4

\*\*\*\* BILL NO. \*\*\*\*  
INTRODUCED BY \*\*\*\*  
BY REQUEST OF THE \*\*\*\*

5 A BILL FOR AN ACT ENTITLED: "AN ACT \*\*\*; AMENDING SECTIONS 7-1-2121, 7-1-4127, 7-2-2606, 7-2-  
6 4405, 7-3-148, 7-3-186, 7-3-191, 7-3-1211, 7-3-4213, 7-3-4374, 7-3-4443, 7-3-4448, 7-4-2310, 7-5-2123, 7-5-  
7 4302, 7-6-1504, 7-6-1534, 7-6-2605, 7-6-4502, 7-7-2252, 7-7-2268, 7-7-4252, 7-7-4268, 7-7-4434, 7-8-105, 7-  
8 8-2604, 7-10-221, 7-11-306, 7-12-2115, 7-12-2174, 7-12-4118, 7-12-4206, 7-13-2349, 7-14-2128, 7-14-2822,  
9 7-14-4615, 7-15-4237, 7-15-4507, 7-31-108, 7-31-113, 7-31-4205, 7-32-2233, 7-34-2204, 7-34-2303, 13-1-108,  
10 13-2-301, 13-2-402, 13-3-105, 13-15-105, 13-17-203, 15-15-101, 17-5-106, 61-2-106, 61-12-402, 67-11-103,  
11 69-7-111, 72-14-207, 76-1-104, 76-1-505, 76-1-602, 76-2-205, 76-2-220, 76-2-306, 76-3-503, 76-3-605, 80-8-  
12 120, 81-4-301, 81-4-302, 81-4-305, 81-4-310, 81-4-322, 81-4-323, 81-4-327, 81-4-504, 81-4-510, 85-3-424, 90-  
13 5-104, AND 90-6-307, MCA."

14

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

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

17 "**7-1-2121. Publication and content of notice -- proof of publication -- alternative electronic**

18 **publication.** (1) Unless otherwise specifically provided by law and except as provided in 13-1-108, whenever a  
19 local government unit other than a municipality is required to give notice by publication, this section applies.

20 (2) **Except if the local government passes a resolution to utilize an alternative publication method**

21 **allowed in subsection (11), Publication** must be in a newspaper meeting the qualifications of  
22 subsections (3) and (4), except that in a county where a newspaper does not meet these qualifications,

23 **publication must be made in a qualified newspaper in an adjacent county. If there is no qualified newspaper in**  
24 **an adjacent county,** publication must be made by posting the notice in three public places in the county, one of

25 which may be the county's website if the county has an active website, designated by resolution of the  
26 governing body.

27 (3) (a) The newspaper must:

28 (i) be of general circulation;

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

- 1 (ii) be published at least once a week;
- 2 (iii) be published in the county where the hearing or other action will take place; and
- 3 (iv) have, prior to July 1 of each year, submitted to the clerk and recorder a sworn statement that
- 4 includes:
- 5 (A) circulation for the prior 12 months;
- 6 (B) a statement of net distribution;
- 7 (C) itemization of the circulation that is paid and that is free; and
- 8 (D) the method of distribution.
- 9 (b) A newspaper of general circulation does not include a newsletter or other document produced or
- 10 published by the local government unit.
- 11 (4) In the case of a contract award, the newspaper must have been published continuously in the
- 12 county for the 12 months preceding the awarding of the contract.
- 13 (5) If a person is required by law or ordinance to pay for publication, the payment must be received
- 14 before the publication may be made.
- 15 (6) Except as provided in subsection (11), The notice must be published twice, with at least 6 days
- 16 separating each publication.
- 17 (7) The published notice must contain:
- 18 (a) the date, time, and place of the hearing or other action;
- 19 (b) a brief statement of the action to be taken;
- 20 (c) the address and telephone number of the person who may be contacted for further information on
- 21 the action to be taken; and
- 22 (d) any other information required by the specific section requiring notice by publication.
- 23 (8) A published notice required by law may be supplemented by a radio or television broadcast of the
- 24 notice in the manner prescribed in 2-3-105 through 2-3-107.
- 25 (9) Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher,
- 26 printer, or clerk of the newspaper or of the person posting the notice or as allowed in subsection (11)(f).
- 27 (10) If the newspaper fails to publish a second notice as required in subsection (6), the local
- 28 government unit must be considered to have met the requirements of this section as long as the local

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 government unit submitted the required information prior to the submission deadline and the notice was posted  
2 in three public places in the county that were designated by resolution and, if the county has an active website,  
3 was posted on the county's website at least 6 days prior to the hearing or other action for which notice was  
4 required.

5 (11) A local government unit may pass a resolution allowing the publication of notices required in this  
6 section and required by other laws of this state on a notice website if the local government unit:

7 (a) ensures that the notice on the notice website is accessible to the public at all times;

8 (b) publishes an advertisement in a newspaper of general circulation one time that:

9 (i) is not more than six column inches;

10 (ii) is published within ten days of the notice published on the notice website if the purpose of the  
11 notice is to inform the public of a completed act;

12 (iii) is published within three days of the notice published on the notice website if the purpose of the  
13 notice is to inform the public of the right to take a certain action;

14 (iv) informs the public of the subject matter of the notice, the public's right to inspect any documents  
15 associated with the notice, a mailing and physical address where a copy of the notice may be obtained, and  
16 that a full version of the public notice is available on the notice website; and

17 (v) provides the full uniform resource locator (URL) of the notice website address, the full URL of the  
18 address where the full notice may be directly viewed, and the telephone number for the local government unit;

19 (c) actively maintains the notice on the notice website for at least twelve days or as otherwise required  
20 by law;

21 (d) displays access to all notices allowed in this subsection prominently on the homepage or first page  
22 of the notice website and ensures the public can readily and with minimal effort identify the location of and  
23 easily retrieve the notices;

24 (e) provides a conspicuous statement, which includes the telephone number of the local government  
25 unit, on its notice website that individuals who have difficulty accessing the contents of posted notices may  
26 contact the local government unit for information regarding alternative methods of accessing notices; and

27 (f) memorializes the posting of the notice by capturing the posting in electronic or paper format and  
28 completing an affidavit that:

**Commented [HT1]:** Lines up with the newspaper time requirements, but may be helpful to require the LG keep the notice on the website longer? Maybe a year?

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

- 1 (i) is signed by the person responsible for posting the notice;
- 2 (ii) states that the local government unit satisfied the publication requirements of this section;
- 3 (iii) specifies the active dates of the notice posted to the notice website, the specific statutory
- 4 requirements being satisfied by the notice, and the notice website address where the notice was located,
- 5 including the full URL used for the posting of the notice;
- 6 (iv) is retained by the local government unit for a period of three years.
- 7 (12) The affidavit and the captured posting of a notice in electronic or paper format allowed in
- 8 subsection (11) constitutes prima facie evidence that the notice was made and occurred as stated in the
- 9 affidavit.
- 10 (13) A failure to cause the newspaper advertisement required in subsection (11)(b) does not void the
- 11 action of the local government unit or affect the enforceability of the matter published in the notice.
- 12 (14) As used in this section, "notice website" means an internet website that is maintained by a local
- 13 government unit that contains links to the public notices electronically published by the local government unit as
- 14 allowed in subsection (11)."

**Commented [HT2]:** Is there desire to allow websites maintained by third-parties?

What about online-only publications - operations that run like newspapers but don't publish hardcopy (and thus don't meet the requirements of sub (3)?

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

**"7-1-4127. Publication of notice -- content -- proof -- alternative electronic publication.** (1)

Unless a municipality passes an ordinance to utilize an alternative publication method allowed in subsection  
(12), ~~When~~when a municipality is required to publish notice, publication must be in a newspaper, except that in  
a municipality with a population of 500 or less or in which a newspaper is not published, publication may be  
made by posting in three public places in the municipality, one of which may be the municipality's website if the  
municipality has an active website, that have been designated by ordinance.

(2) The newspaper must:

- (a) be of general circulation;
- (b) be published at least once a week;
- (c) be published in the county where the municipality is located; and
- (d) have, prior to July 1 of each year, submitted to the city clerk a sworn statement that includes:
  - (i) circulation for the prior 12 months;

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

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

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 (12) A municipality may pass an ordinance allowing the publication of notices required in this section  
2 and required by other laws of this state on a notice website if the municipality:  
3 (a) ensures that the notice on the notice website is accessible to the public at all times;  
4 (b) publishes an advertisement in a newspaper of general circulation one time that:  
5 (i) is not more than six column inches;  
6 (ii) is published within ten days of the notice published on the notice website if the purpose of the  
7 notice is to inform the public of a completed act;  
8 (iii) is published within three days of the notice published on the notice website if the purpose of the  
9 notice is to inform the public of the right to take a certain action;  
10 (iv) informs the public of the subject matter of the notice, the public's right to inspect any documents  
11 associated with the notice, a mailing and physical address where a copy of the notice may be obtained, and  
12 that a full version of the public notice is available on the notice website; and  
13 (v) provides the full uniform resource locator (URL) of the notice website address, the full URL of the  
14 address where the full notice may be directly viewed, and the telephone number for the municipality;  
15 (c) actively maintains the notice on the notice website for at least twelve days or as otherwise required  
16 by law;  
17 (d) displays access to all notices allowed in this subsection prominently on the homepage or first page  
18 of the notice website and ensures the public can readily and with minimal effort identify the location of and  
19 easily retrieve the notices;  
20 (e) provides a conspicuous statement, which includes the telephone number of the municipality, on its  
21 notice website that individuals who have difficulty accessing the contents of posted notices may contact the  
22 municipality for information regarding alternative methods of accessing notices; and  
23 (f) memorializes the posting of the notice by capturing the posting in electronic or paper format and  
24 completing an affidavit that:  
25 (i) is signed by the person responsible for posting the notice;  
26 (ii) states that the municipality satisfied the publication requirements of this section;  
27 (iii) specifies the active dates of the notice posted to the notice website, the specific statutory  
28 requirements being satisfied by the notice, and the notice website address where the notice was located.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 including the URL used for the posting of the notice;

2 (iv) is retained by the municipality for a period of three years.

3 (12) The affidavit and the captured posting of a notice in electronic or paper format allowed in  
4 subsection (11) constitutes prima facie evidence that the notice was made and occurred as stated in the  
5 affidavit.

6 (13) A failure to cause the newspaper advertisement required in subsection (11)(b) does not void the  
7 action of the municipality or affect the enforceability of the matter published in the notice.

8 (14) As used in this section, "notice website" means an internet website that is maintained by a  
9 municipality that contains links to the public notices electronically published by the municipality as allowed in  
10 subsection (11)"

11  
12 **Section 3.** Section 7-2-2606, MCA, is amended to read:

13 **"7-2-2606. Determination and publication of election results.** (1) When the returns have been  
14 received and compared and the results ascertained by the board, if a majority of the qualified electors voting on  
15 the question have voted in favor of any particular place, the board must give notice of the results by posting  
16 notices thereof in all the election precincts of the county and by publishing a like notice ~~in a newspaper printed~~  
17 ~~in the county as allowed in 7-1-2121~~ at least once a week for 4 weeks.

Commented [HT3]: Timeline?

18 (2) In the notice provided for in this section, the place selected to be the county seat of the county  
19 must be so declared from a day specified in the notice, not more than 90 days after the election. After the day  
20 named in the notice, the place chosen is the county seat of the county."

21  
22 **Section 4.** Section 7-2-4405, MCA, is amended to read:

23 **"7-2-4405. Notice of resolution -- protest period.** The clerk of the municipality shall forthwith cause  
24 to be published ~~in the newspaper nearest such land as allowed in 7-1-4127~~, at least once a week for 2  
25 successive weeks, a notice that such resolution has been duly and regularly passed and that for a period of 20  
26 days after the first publication of such notice, such clerk will receive expressions of approval or disapproval, in  
27 writing, of the proposed alterations of the boundaries of the municipality. Said notice shall also state the time  
28 and place set for the public hearing on the proposed annexation."

Commented [HT4]: Timeline ok - "at least"

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Section 5.** Section 7-3-148, MCA, is amended to read:

**"7-3-148. Publication of summary and comparison.** (1) A summary of the recommendations

contained in a petition proposing alteration of an existing form of local government must be published at least twice in a newspaper of general circulation in the local government as allowed in 7-1-2121 or 7-1-4127.

Whenever an election on the recommendations is to be held, publication must be made during the 2 weeks preceding the election.

(2) The summary must contain a description of the recommendations, a comparison of the existing and proposed forms of government, and a list of locations where the full proposal may be seen or obtained.

(3) The cost of publication required by this section shall be borne by the affected local government."

**Section 6.** Section 7-3-186, MCA, is amended to read:

**"7-3-186. Study commission timetable.** (1) Each local government study commission shall, within 90 days of its organizational meeting, establish a timetable for its deliberations and actions. The timetable must be published in a local newspaper of general circulation as allowed in 7-1-2121 or 7-1-4127. The timetable may be revised, but each revision must be republished.

(2) The timetable must provide, at a minimum, the following provisions, to be accomplished chronologically in the order presented:

(a) conduct one or more public hearings for the purpose of gathering information regarding the current form, functions, and problems of local government;

(b) formulate, reproduce, and distribute a tentative report, containing the same categories of information required to be included in the final report;

(c) conduct one or more public hearings on the tentative report; and

(d) adopt the final report of the commission and set the date for an election on the question of adopting a new plan of government pursuant to 7-3-192 or, if the study commission is not recommending any changes, publish and distribute the final report as provided in 7-3-187 within 60 days after the final report is adopted."

**Commented [HT5]:** Mirrors language already in 7-1-2121 and 7-1-4127



**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 **Section 7.** Section 7-3-191, MCA, is amended to read:

2 **"7-3-191. Publication of summary.** Each study commission shall publish once each week for 2  
3 successive weeks in a newspaper of general circulation throughout the area of the affected local government  
4 as allowed in 7-1-2121 or 7-1-4127 a summary of its findings and recommendations, together with the address  
5 of a convenient public place where the text of its proposal may be obtained. The summary shall include a  
6 comparison of the existing and proposed plans of government."

Commented [HT6]: Timeline?

7  
8 **Section 8.** Section 7-3-1211, MCA, is amended to read:

9 **"7-3-1211. Treatment of existing ordinances.** The commission first elected may, at its first meeting,  
10 make an order that all existing ordinances and resolutions of some one city or town within the consolidated  
11 municipality which are of general application in such city or town shall be continued in force and be extended  
12 throughout the consolidated municipality, and a copy of such order must be published at least once in each  
13 newspaper printed and published within the consolidated municipality within 10 days after the making of such  
14 order. All other ordinances and resolutions of such city or town and all ordinances of all other cities and towns  
15 within the consolidated municipality, save and except ordinances and resolutions relating to public  
16 improvements to be paid for in whole or in part by special assessments, shall, upon the making of such order,  
17 be deemed repealed."

Commented [HT7]: Not sure how to line up with alternate - remove "each newspaper" language?

18  
19 **Section 9.** Section 7-3-4213, MCA, is amended to read:

20 **"7-3-4213. Election for first city officers.** (1) If a majority of the votes cast at the election is in favor  
21 of reorganization, the city council shall, at its first regular meeting held after the election, order a special election  
22 to be held for the purpose of electing a mayor and the number of council members to which the city is entitled.  
23 The order must specify the time of holding the election, which must be held in conjunction with a regular or  
24 primary election. The mayor shall issue a proclamation setting forth the purposes for which the special election  
25 is called and the day of holding the election. The proclamation must be published for 10 successive days in  
26 each daily newspaper published in the city if there is a daily newspaper or once a week for 2 consecutive  
27 weeks in each weekly newspaper published in the city. A copy of the proclamation must be posted at each  
28 voting place within the city and in at least 10 of the most public places in the city.

Commented [HT8]: See statute above.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

PD 0012

67th Legislature

1 (2) The election must be conducted, the vote must be canvassed, and the result must be declared in  
2 the same manner as provided by law in respect to other city elections."  
3

4 **Section 10.** Section 7-3-4374, MCA, is amended to read:

5 **"7-3-4374. Details of public advertising or publication.** All public advertising or publication

6 mentioned as being necessary under the provisions of this part or part 44 shall be ~~in a daily newspaper of~~  
7 ~~general circulation within the municipality if there be such; otherwise, in a weekly newspaper published therein,~~  
8 ~~and shall be done by contract, or in a journal published by the municipality, as may be determined by ordinance~~  
9 ~~by contract and as allowed in 7-1-2121 or 7-1-4127. If such Any contract shall be with a newspaper, it shall be~~  
10 entered into only after opportunity has been given for competition under such rules as the commission may  
11 establish and for a term not longer than 1 year."  
12

13 **Section 11.** Section 7-3-4443, MCA, is amended to read:

14 **"7-3-4443. Utility connections.** (1) The director of public service may compel the making of sewer,  
15 water, gas, and other connections whenever, in view of the contemplated street improvements or as a sanitary  
16 regulation, sewer, water, gas, or other connections should in the director's judgment be constructed.

17 (2) The director shall cause written notice of the determination to be given to the owner of each lot or  
18 parcel of land to which connections are to be made. The notice must state the number and character of  
19 connections required. The notice must be served by a person designated by the director of public service, in the  
20 manner provided for the service of summons in civil actions. Nonresidents of the municipality or persons who  
21 cannot be found may be served by ~~one publication of the notice in a daily newspaper of general circulation in~~  
22 ~~the municipality if there is a newspaper and, if not, by one publication in a weekly newspaper publication as~~  
23 ~~allowed in 7-1-4127.~~ The notice must state the time within which the connections must be constructed, and if  
24 they are not constructed within the time, the work may be done by the municipality and the cost of the  
25 connections, together with a penalty of 5%, assessed against the lots and lands for which the connections are  
26 made. However, the city commission may in its discretion order and direct that the cost of making any  
27 connection by the municipality may be assessed without penalty and may be paid in annual installments over a  
28 period of not to exceed 8 years, together with interest on the cost at a rate not to exceed 6% a year payable

**Commented [HT9]:** Large changes - this method could be used for Sections 8 & 9, but it does change the requirements.

**Commented [HT10]:** Also changes preference type similar to previous 3 sections.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 annually on the deferred payments. The assessments must be certified and collected as other assessments for  
2 street improvements. The actual work of making the connections must be done under regulations that are  
3 provided for by ordinance."  
4

5 **Section 12.** Section 7-3-4448, MCA, is amended to read:

6 **"7-3-4448. Vacating or changing name of street.** (1) The commission, in vacating any street or part  
7 of a street or changing the name of any street, may include in one ordinance the change of name or the  
8 vacation or narrowing of more than one street, alley, or avenue. Before vacating any street or part thereof or  
9 narrowing any street, the commission shall first pass a resolution declaring its intention to do so.

10 (2) The city manager shall serve notice of the resolution, in the manner that service of summons is  
11 required to be made in civil actions, upon all persons who are owners or purchasers under contracts for deed of  
12 property that abuts upon the portion of the street affected by the proposed vacation or narrowing and shall  
13 publish notice ~~once in one daily newspaper of general circulation in the municipality if there is one or if not,~~  
14 ~~once in one weekly newspaper of like circulation as allowed in 7-1-4127.~~ The notice shall state the time and  
15 place at which objections will be heard.

16 (3) Unless at least 51% of the affected property owners object to the proposed vacation or narrowing,  
17 the commission may by ordinance declare such vacation or narrowing. The order of the commission vacating or  
18 narrowing a street or alley which has been dedicated to public use by the proprietor, to the extent that it is  
19 vacated or narrowed, operates as a revocation of the acceptance thereof by the commission, but the right-of-  
20 way and easement therein of any lot owner is not impaired thereby."  
21

22 **Section 13.** Section 7-4-2310, MCA, is amended to read:

23 **"7-4-2310. Order for consolidation of offices.** (1) In consolidating county offices, the board of  
24 county commissioners shall, not less than 7 days before the date on which declarations for nomination may first  
25 be filed for any office to be consolidated or not less than 6 months prior to the appointment to the offices to be  
26 consolidated, make and enter an order combining any two or more of the within-named offices.

27 (2) Whenever an order consolidating two or more offices is made, the order shall be entered in full on  
28 the board's minutes of proceedings.

Commented [HT11]: See previous section.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 (3) The order shall be published ~~in a newspaper of general circulation, printed and published as~~  
2 ~~allowed in 7-1-2121~~ in the county or counties affected, for a period of 2 successive weeks following the date of  
3 the making and entering of the order."  
4

5 **Section 14.** Section 7-5-2123, MCA, is amended to read:

6 **"7-5-2123. Publication of board proceedings and annual financial statement.** (1) (a) The board of  
7 county commissioners has jurisdiction and power, under the limitations and restrictions prescribed by law, to  
8 publish ~~in a newspaper— as allowed in 7-1-2121~~ at the adjournment of each session of the board, in full and  
9 complete detail or in summary form or by reference, with the full and complete text made available on request,  
10 a complete list of all claims ordered paid for all purposes, showing the name, purpose, and amount, and a fair  
11 summary of the minutes and records of all of its proceedings.

12 (b) The board may publish the county clerk's annual statement of the financial condition of the county,  
13 in full and complete detail or in summary form. If the board does not publish the annual statement in complete  
14 detail or in summary form, it shall publish a notice that the annual statement is available and will be provided  
15 upon request from the county clerk.

16 (2) Publication in full, in summary, or by reference of the minutes and records of proceedings must be  
17 made within 21 days after the adjournment of the session. Publication of the financial statement or notice of the  
18 availability of the financial statement must be made within 30 days after the presentation of the financial  
19 statement to the board. The board may not allow or order paid any claim for any publication of minutes and  
20 records of proceedings or annual financial statement unless the publication is made within the time prescribed  
21 in this subsection."  
22

23 **Section 15.** Section 7-5-4302, MCA, is amended to read:

24 **"7-5-4302. Competitive, advertised bidding required for certain purchase and construction**  
25 **contracts.** (1) Except as provided in 7-5-4303, 7-5-4310, or Title 18, chapter 2, part 5, a contract for the  
26 purchase of any automobile, truck, other vehicle, road machinery, other machinery, apparatus, appliances,  
27 equipment, or materials or supplies or for construction, repair, or maintenance in excess of \$80,000 must be let  
28 to the lowest responsible bidder after advertisement for bids.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 (2) The advertisement must be published as provided in 7-1-4127, and the second publication must  
2 be made not less than 5 days or more than 12 days before the consideration of bids. If the advertisement is  
3 made by posting, 15 days must elapse, including the day of posting, between the time of the posting of the  
4 advertisement and the day set for considering bids.

5 (3) The council may:

6 (a) postpone awarding a contract until the next regular meeting after bids are received in response to  
7 the advertisement;

8 (b) reject any or all bids; and

9 (c) readvertise as provided in this section."  
10

11 **Section 16.** Section 7-6-1504, MCA, is amended to read:

12 **"7-6-1504. Resort tax -- election required -- procedure -- notice.** (1) A resort community, resort  
13 area, or resort area district may not impose or, except as provided in 7-6-1505, amend or repeal a resort tax  
14 unless the resort tax question has been approved by a majority of the qualified electors voting on the question.

15 (2) The resort tax question may be presented to the qualified electors of:

16 (a) a resort community by a petition of the electors as provided in 7-5-131, 7-5-132, 7-5-134, 7-5-135,  
17 and 7-5-137 or by a resolution of the governing body of the resort community;

18 (b) a resort area by a resolution of the board of county commissioners, following receipt of a petition  
19 of electors as provided in 7-6-1508;

20 (c) an existing resort area district by a resolution of the board of directors of the resort area district in  
21 accordance with special district election procedures provided in 13-1-501 through 13-1-505.

22 (3) If a proposed resort area is in more than one county, the resort tax question must be presented to  
23 and approved by the qualified electors in the resort area of each county.

24 (4) The petition or resolution referring the taxing question must state:

25 (a) the rate of the resort tax;

26 (b) the duration of the resort tax;

27 (c) the date when the tax becomes effective, which date may not be earlier than 35 days after the  
28 election; and

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 (d) the purposes that may be funded by the resort tax revenue. If the petition or resolution includes  
2 the additional tax provided for in 7-6-1503(1)(b)(i), the revenue from the additional tax must be designated for  
3 infrastructure and the specific uses must be identified in the petition or resolution. The additional levy for  
4 infrastructure authorized under this subsection (4)(d) terminates when the specified infrastructure debts and  
5 project costs are paid unless the board submits and the qualified electors approve another levy for  
6 infrastructure.

7 (5) On receipt of an adequate petition, the governing body shall hold an election in accordance with  
8 Title 13, chapter 1, part 5.

9 (6) (a) Before the resort tax question is submitted to the electorate of a resort community or resort  
10 area, the governing body of the resort community or the board of county commissioners in the county in which  
11 the resort area is located shall provide notice of the goods and services subject to the resort tax by a method  
12 described in 13-1-108.

13 (b) The notice must be given two times, with at least 6 days separating the notices. The first notice  
14 must be no more than 45 days prior to the election, and the last notice must be no less than 30 days prior to the  
15 election.

16 (7) Notice of the election must be given as provided in 13-1-108 and include the information listed in  
17 subsection (4) of this section.

18 (8) The question of the imposition of a resort tax may not be placed before the qualified electors more  
19 than once in any fiscal year.

20 (9) The governing body, as defined in 7-6-1505, of a resort area, resort area district, or resort  
21 community that already imposes a resort tax may submit to the qualified electors of the resort area, resort area  
22 district, or resort community the question of whether to levy the additional resort tax provided for in 7-6-  
23 1503(1)(b)(i). The election must be noticed as provided in this section and conducted as provided in 13-1-501  
24 through 13-1-505."

25

26 **Section 17.** Section 7-6-1534, MCA, is amended to read:

27 **"7-6-1534. Resort area district -- notice of petition -- hearing required.** (1) The board of county  
28 commissioners shall publish the text of the petition described in 7-6-1533, as provided in 7-1-2121, in each

Commented [HT12]: Timeline?

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 county in which the proposed resort area district lies and shall publish the date, time, and place that a public  
2 hearing on the petition will be held.

3 (2) In addition to the requirements of subsection (1), the board of county commissioners shall publish  
4 ~~as provided in 7-1-2121~~ the text of the petition described in 7-6-1533 ~~in a newspaper of general circulation in~~  
5 the county within which the proposed resort area district lies.

6 (3) A person wishing to comment on the creation of the proposed resort area district may file, by first-  
7 class mail or otherwise, comments with the clerk and recorder of the county in which the proposed resort area  
8 district lies.

9 (4) If the resort area lies within two or more counties, the provisions of this section apply to each  
10 county."

11

12 **Section 18.** Section 7-6-2605, MCA, is amended to read:

13 **"7-6-2605. Call for payment of warrants drawing interest.** (1) When there is sufficient money to  
14 pay the warrants drawing interest, the treasurer shall give notice as provided in 7-1-2121 that the warrants are  
15 able to be paid.

16 (2) In advertising warrants under the provisions of this section ~~in any newspaper~~, the treasurer may  
17 not publish the warrants in detail but shall give notice only that county warrants presented for payment prior to a  
18 date stated in the notice are payable. When only a part of the warrants presented for payment on the same day  
19 are payable, the treasurer shall designate the payable warrants in the advertisement.

20 (3) The warrants cease to draw interest from the first publication or posting of the notice.

21 (4) (a) If the warrants are not re-presented for payment within 60 days from the time the notice is  
22 given, the fund set aside for the payment of the warrants must be applied by the treasurer to the payment of  
23 unpaid warrants in order of registry.

24 (b) The board of county commissioners may, on application and presentation of warrants, properly  
25 endorsed, which have been advertised, pass an order directing the treasurer to pay the warrants out of any  
26 money in the treasury that is not otherwise appropriated."

27

28 **Section 19.** Section 7-6-4502, MCA, is amended to read:

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

PD 0012

67th Legislature

1           **"7-6-4502. Call for payment of warrants drawing interest.** (1) Except as provided in subsection (2),  
2 when there is money in the city or town treasury applicable to the payment of any warrants drawing interest and  
3 sufficient to pay the warrants, the city treasurer or town clerk shall:

4           (a) give notice ~~in some newspaper published in the city or town or, if a newspaper is not published in~~  
5 ~~the city or town as allowed in 7-1-4127., by~~ If written notice ~~is required as provided in 7-1-4127(1), one notice~~  
6 ~~must be~~ posted in a conspicuous place on the outer door of the office of the city treasurer or town clerk, stating  
7 that the treasurer or clerk is ready to pay the warrants and giving the number of the warrants to be paid; and

Commented [HT13]: Correct interpretation?

8           (b) if the warrants are subject to purchase by the county for investment as provided in 7-6-2701, notify  
9 the county treasurer that any warrants in the possession of the county will be paid upon presentation to the city  
10 treasurer or town clerk.

11           (2) If all of the warrants are held by a county, only the notice provided for in subsection (1)(b) is  
12 required.

13           (3) The warrants called cease to draw interest from the time of the first publication or posting of the  
14 notice unless all of the warrants are held by a county, in which case the warrants cease to draw interest from  
15 the time of notification of the county treasurer."  
16

17           **Section 20.** Section 7-7-2252, MCA, is amended to read:

18           **"7-7-2252. Publication of notice of sale of bonds.** If a county conducts a public sale, the board of  
19 county commissioners shall publish notice of the bond sale ~~in the official newspaper of the county~~ as provided  
20 in ~~17-5-106 and 7-1-2121~~. The board may in its discretion publish the notice or a summary of the notice in any  
21 financial newspapers published in the city of New York or Chicago."  
22

Commented [HT14]: Provides timeline for publication (at least once a week for 2 weeks but does not designate newspaper - no conflicts.

23           **Section 21.** Section 7-7-2268, MCA, is amended to read:

24           **"7-7-2268. Redemption of bonds.** (1) Whenever there is available money in any sinking and interest  
25 fund over and above the amount required for payment of principal and interest becoming due on the next  
26 interest payment date and sufficient to pay and redeem one or more outstanding bonds, or principal  
27 installments in the case of amortization bonds, of the issue or series to which the sinking and interest fund  
28 belongs, which bonds are not yet due but are then redeemable or will become redeemable on or before the



**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 next interest payment date, the county treasurer shall apply the available money in redemption of as many of  
2 the bonds, or principal installments in the case of amortization bonds, as the available money will pay and  
3 redeem to a redemption date on or before the next interest payment date, as fixed by the county treasurer.

4 (2) The county treasurer shall give notice, by mail sent at least 30 days before the redemption date, to  
5 the holder of the bonds, if ownership of the bonds is registered or is otherwise known to the treasurer, to the  
6 registered owners at their addresses as they appear in the bond registration books, and to any bank or financial  
7 institution at which the bonds are payable that the bonds or principal installments will be paid and redeemed on  
8 that date. A defect in or failure to give notice may not affect the validity of the proceedings for the redemption of  
9 a bond or principal installment not affected by the defect or failure. If the ownership of the bonds is not  
10 registered, the county treasurer shall also publish ~~in the official newspaper of the county or other newspaper as~~  
11 ~~provided in 7-1-2121 and~~ designated in the resolution authorizing the issuance of the bonds once, not less than  
12 30 days prior to the redemption date, a notice that the bonds or principal installments have been called for  
13 redemption and will be paid in full on the redemption date. If actual notice of the call has been received, the  
14 holder of a bond may waive published or mailed notice.

15 (3) If the bonds or principal installments are payable at a bank or financial institution, the county  
16 treasurer shall remit to the bank or financial institution, before the redemption date, an amount sufficient to pay  
17 and redeem the bonds or principal installments with interest accrued on the bonds or principal installments. If  
18 the bonds are not presented for payment and redemption on the redemption date, interest ceases on that date  
19 if the funds for payment and redemption have been deposited in a bank or financial institution."  
20

21 **Section 22.** Section 7-7-4252, MCA, is amended to read:

22 **"7-7-4252. Publication of notice of sale.** If a city or town conducts a public sale, the city or town  
23 council or commission shall cause a notice to be published as provided in 17-5-106 ~~in a newspaper of general~~  
24 ~~circulation printed and published in the city or town if there is a newspaper of general circulation and, if not,~~  
25 ~~then in a newspaper of general circulation printed and published in the county in which the city or town is~~  
26 ~~located and 7-1-4127.~~ The council or commission may in its discretion cause the notice to be published in  
27 another newspaper or newspapers published either within or outside of the state that in the opinion of the  
28 council or commission will be most likely to give notice of the sale to prospective bidders."

**Commented [HT15]:** This is in addition to regular notice, so ok to keep newspaper in this case?

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1           **Section 23.** Section 7-7-4268, MCA, is amended to read:

2           **"7-7-4268. Redemption of bonds.** (1) Whenever there is available money in any sinking and interest  
3 fund over and above the amount required for payment of principal and interest becoming due on the next  
4 interest payment date and sufficient to pay and redeem one or more of the outstanding bonds of the issue or  
5 series to which the sinking and interest fund belongs, which bonds are not yet due but are then redeemable or  
6 will become redeemable on or before the next interest payment date, the city treasurer or town clerk shall apply  
7 the available money in redemption of as many of the bonds as the available money will pay and redeem to a  
8 redemption date on or before the next interest payment date, as fixed by the city treasurer or town clerk.

9           (2) The city treasurer or town clerk shall notify the holder of the bond or bonds, if ownership of the  
10 bonds is registered or is otherwise known to the treasurer, the registered owners at their addresses as they  
11 appear in the bond registration books, and any bank or financial institution at which the bonds are payable, by  
12 mail sent at least 30 days before the redemption date, that bonds will be redeemed and paid on that date. A  
13 defect in or failure to give notice may not affect the validity of the proceedings for the redemption of a bond or  
14 principal installment not affected by the defect or failure. If the ownership of the bonds is not registered, the city  
15 treasurer or town clerk shall also publish ~~in a newspaper of general circulation printed and published in the city~~  
16 ~~or town and, if there is none, then in a newspaper of general circulation in the city or town printed and published~~  
17 ~~in the county in which the city or town is situated as provided in 7-1-4127~~ a notice that the bond or bonds have  
18 been called for redemption and will be paid in full on the redemption date. The notice must be published once,  
19 not less than 30 days prior to the redemption date. If actual notice of the call has been received, the holder of a  
20 bond may waive published or mailed notice.

21           (3) If the bonds are payable at a bank or financial institution, the city treasurer or town clerk shall remit  
22 to the bank or financial institution, before the redemption date, an amount sufficient to pay and redeem the  
23 bonds. If the bonds are not presented for redemption and payment on the redemption date, interest ceases on  
24 that date if the funds have been deposited in the bank or financial institution."

25

26           **Section 24.** Section 7-7-4434, MCA, is amended to read:

27           **"7-7-4434. Notice of sale of bonds.** The notice of sale of bonds required by 7-7-4433(2) for bonds  
28 sold publicly must be published ~~as provided in 7-1-4127~~ once at least 5 days prior to the sale ~~in a newspaper of~~

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 ~~general circulation in the state~~, and the governing body may publish the notice or summary of the notice in a  
2 financial newspaper published in the city of New York, Chicago, or San Francisco."  
3

4 **Section 25.** Section 7-8-105, MCA, is amended to read:

5 **"7-8-105. Authorization to dispose of certain property in possession of local law enforcement.**

6 (1) The legislative body of a local government may, by ordinance or resolution, provide for the care, restitution,  
7 sale, donation, return, or destruction of unclaimed tangible personal property that may come into the  
8 possession of a peace officer or a law enforcement entity of the local government for which state law does not  
9 otherwise provide a procedure for disposition.

10 (2) At a minimum, the ordinance or resolution must provide:

11 (a) that unclaimed property valued at \$20 or more must be held by the local government for a period  
12 of at least 3 months;

13 (b) a process by which the local government shall attempt to notify the legal owner of unclaimed  
14 property held in its possession;

15 (c) a process by which the local government may allow a finder of unclaimed personal property to  
16 take possession of that property if it remains unclaimed;

17 (d) that unclaimed property will be destroyed as allowed or required by local, state, or federal law,  
18 returned to the finder, donated, or otherwise sold at public auction to the highest bidder;

19 (e) that, at least 10 days prior to the time fixed for the destruction, return, donation, or sale at public  
20 auction of unclaimed property, notice of the planned disposal must be given by publication one time ~~in a~~

21 ~~newspaper of general circulation as provided in 7-1-2121 or 7-1-4127~~; and

22 (f) that, upon proof of legal ownership, the local government shall restore the unclaimed property to its  
23 legal owner.

24 (3) After property has been destroyed, returned, donated, or sold at public auction, the property or the  
25 value of the property is not redeemable by the owner or another person entitled to possession."  
26

27 **Section 26.** Section 7-8-2604, MCA, is amended to read:

28 **"7-8-2604. Procedure for sale of timber or other crops.** (1) Subject to the requirements of

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 subsection (2), the board of county commissioners may sell the timber crop and other crops of county forests  
2 under such rules as it may establish. The board may reject any or all bids, or it may award the sale to the  
3 highest responsible bidder.

4 (2) A notice of any proposed sale of timber in excess of 100,000 feet board measure shall be  
5 ~~advertised published~~ at least once ~~in a newspaper published in the county~~ as provided in 7-1-2121 at least 30  
6 days prior to the closing of bids as specified in said notice. The board shall receive sealed bids up to the hour of  
7 the closing of bids."

8

9 **Section 27.** Section 7-10-221, MCA, is amended to read:

10 **"7-10-221. Notice of sale of bonds.** The notice of sale of bonds required by 7-10-220(2) for bonds  
11 sold publicly must be published once at least 5 days prior to the sale ~~in a newspaper of general circulation in~~  
12 ~~the state as allowed in 7-1-2121~~, and the regional resource authority may publish the notice or summary of the  
13 notice in a financial newspaper published in the city of New York, Chicago, or San Francisco."

14

15 **Section 28.** Section 7-11-306, MCA, is amended to read:

16 **"7-11-306. Publication of summary and comparison.** (1) A summary of the recommendations  
17 contained in a petition or recommendation and the service plan proposing the consolidation or transfer of a  
18 service or activity must be published at least twice ~~in a newspaper of general circulation as provided in 7-1-~~  
19 ~~2121 or 7-1-4127~~ in each local government affected by the proposal. The publication must be made during the  
20 2 weeks preceding the election.

21 (2) The summary must contain a description of the recommendations, a comparison of the existing  
22 and proposed methods of service delivery, and a list of locations where the full proposal may be seen or  
23 obtained.

24 (3) The cost of publication required by this section shall be shared by the affected local governments."

25

26 **Section 29.** Section 7-12-2115, MCA, is amended to read:

27 **"7-12-2115. Adjournment of hearing.** Whenever ~~in proceedings hereunder~~ a time and place for a  
28 hearing by the board of county commissioners is fixed ~~and from any cause for a proceeding related to this part,~~

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

PD 0012

67th Legislature

1 ~~and~~ the hearing is not ~~then and there~~ held or regularly adjourned to a fixed time and place, the power and  
2 jurisdiction of the board ~~in the premises shall~~is not ~~be thereby~~ divested or lost, but the board may proceed anew  
3 to fix a time and place for the hearing and cause notice ~~thereof of the hearing~~ to be given by publication ~~by at~~  
4 ~~least one insertion in a daily, semiweekly, or weekly newspaper, such publication to be as provided in 7-1-2121~~  
5 at least 5 days before the date of the hearing. ~~Thereupon At that hearing,~~ the board shall have power to act as  
6 in the first instance."  
7

8 **Section 30.** Section 7-12-2174, MCA, is amended to read:

9 **"7-12-2174. Redemption of bonds and warrants.** (1) The county treasurer shall first pay out of the  
10 proper special improvement district fund, on each interest payment date, the interest on all outstanding  
11 warrants or bonds on presentation of the coupons belonging to the warrants or bonds or otherwise then  
12 payable and the principal, if any, then payable on the warrants or bonds. Any funds remaining in the fund must  
13 be applied to the redemption of the warrants or bonds in the order specified in the resolution authorizing the  
14 issuance of the bonds.

15 (2) Special improvement district warrants or bonds must be redeemed on any interest payment date  
16 from the proceeds of the bonds or warrants remaining after payment of all costs of the improvements, as  
17 provided in 7-12-2173, or from the prepayment of assessments levied in the district. Special improvement  
18 district bonds or warrants may otherwise be subject to redemption and prepayment as provided in the  
19 resolution on any interest payment date.

20 (3) The date of redemption must be fixed by the county treasurer and may not be less than 30 days  
21 after the date of publication or of mailing of the notice. The county treasurer shall give written notice to the  
22 holders of the warrants or bonds to be redeemed, if their addresses are known, of the number of warrants or  
23 bonds to be redeemed and the date on which payment will be made. If the addresses of the holders of all  
24 bonds or warrants to be redeemed are not known, the county treasurer shall publish notice of redemption once  
25 ~~in a newspaper of general circulation in the county as provided in 7-1-2121.~~ On the date fixed for redemption,  
26 interest must cease."  
27

28 **Section 31.** Section 7-12-4118, MCA, is amended to read:

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1           **"7-12-4118. Adjournment of hearings.** Whenever ~~in proceedings hereunder~~ a time and place for a  
2 hearing ~~are is~~ fixed by the city council ~~for a proceeding related to this part~~ and ~~from any cause~~ the hearing is  
3 not ~~then and there~~ held or regularly adjourned to a fixed time and place, the power or jurisdiction of the council  
4 ~~in the premises shall is not thereby be~~ divested or lost, but the council may proceed ~~anew~~ to fix a new time and  
5 place for the hearing and cause notice ~~thereof of the hearing~~ to be given by publication ~~by at least one insertion~~  
6 ~~in a daily, semiweekly, or weekly newspaper, such publication to be at least once as provided in 7-1-4127~~ at  
7 least 5 days before the date of the hearing. Thereupon the council shall have power to act as in the first  
8 instance."

9  
10           **Section 32.** Section 7-12-4206, MCA, is amended to read:

11           **"7-12-4206. Redemption of bonds and warrants.** (1) Special improvement district warrants or  
12 bonds must be redeemed on any interest payment date from the proceeds of the bonds or warrants remaining  
13 after payment of all costs of the improvements, as provided in 7-12-4205, or from the prepayment of  
14 assessments levied in the district. Special improvement district bonds or warrants may be otherwise subject to  
15 redemption and prepayment at the option of the city, as provided in the resolution authorizing the issuance of  
16 the bonds.

17           (2) The date of redemption must be fixed by the treasurer and may not be less than 30 days after the  
18 date of publication or mailing of the notice, and on the date fixed, interest ceases. The treasurer shall give  
19 written notice to the holders of the warrants or bonds to be redeemed, if their addresses are known, of the  
20 number of warrants or bonds to be redeemed and the date on which payment will be made. If the addresses of  
21 the holders of all bonds or warrants to be redeemed are not known, the treasurer shall publish notice of  
22 redemption once ~~in a newspaper published in the city as provided in 7-1-4127.~~"

23  
24           **Section 33.** Section 7-13-2349, MCA, is amended to read:

25           **"7-13-2349. Establishment of subdistricts.** (1) The board of directors may establish one or more  
26 subdistricts within a district to provide for and finance the cost of water or sewer projects, improvements, or  
27 extensions that would benefit land in the subdistrict but not other land in the district. Before establishing a  
28 subdistrict, the board shall conduct a public hearing on the establishment of the proposed subdistrict after 10

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 days' notice published ~~in a newspaper of general circulation in the district as provided in 7-1-2121~~. The notice of  
2 public hearing must contain a description of the subdistrict and the proposed water or sewer project and its  
3 estimated cost. After the public hearing, the board of directors may, by resolution, establish the subdistrict if it  
4 finds that it is in the best interests of the owners of the land in the subdistrict and the district wishing to establish  
5 the subdistrict, that the subdistrict constitutes all land in the district benefited by the proposed water or sewer  
6 project, and that the establishment of the subdistrict and the financing of water or sewer projects for the benefit  
7 of the subdistrict will not violate any covenants of the district made with owners of outstanding bonds of the  
8 district.

9 (2) The board shall describe in the resolution establishing the subdistrict the land to be included in the  
10 subdistrict. The land does not need to be contiguous but must be located within the district and must constitute  
11 all of the land in the district benefited by the proposed water or sewer project.

12 (3) Following the establishment of a subdistrict, the board of directors may undertake and finance  
13 water or sewer projects, improvements, or extensions that benefit land in the subdistrict but not other land in the  
14 district, as provided in Title 7, chapter 13, parts 22 and 23, including but not limited to the incurrence of bonded  
15 indebtedness to finance costs and the levy of special assessments or the imposition of rates and charges, all  
16 subject to any covenants made with owners of outstanding bonds of the district. If general obligation bonds are  
17 to be issued to finance the costs of the projects, the subdistrict must be treated as the district for the purposes  
18 of 7-13-2331.

19 (4) The powers granted in this section are supplementary to the powers otherwise granted to county  
20 water and sewer districts."

21

22 **Section 34.** Section 7-14-2128, MCA, is amended to read:

23 **"7-14-2128. Designation of emergency area near construction project.** (1) A board of county  
24 commissioners may designate a portion of a county or state secondary road as an emergency area if increased  
25 traffic due to a construction project threatens public safety.

26 (2) Notice of the designation shall be ~~printed in a newspaper of general circulation in the county~~  
27 ~~published as provided in 7-1-2121~~. The notice shall describe the portion of road to be designated as an  
28 emergency area and the reason for the designation. The board shall post the area or roads affected with

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 adequate signs.

2 (3) The board shall remove the emergency designation within 30 days after the cessation of the  
3 increased traffic."

4

5 **Section 35.** Section 7-14-2822, MCA, is amended to read:

6 **"7-14-2822. Notice of application to operate ferry.** Every applicant for authority to erect and take  
7 tolls on a public ferry must publish notice as provided in 7-1-2121, specifying the location and the time when  
8 and place where the application will be made. Publication must be made ~~in at least one newspaper once~~ in  
9 each county in which the ferry is or touches ~~or, if there is no newspaper published in the county, then in one~~  
10 ~~published in an adjoining county."~~

11

12 **Section 36.** Section 7-14-4615, MCA, is amended to read:

13 **"7-14-4615. Reports on commission transactions.** The legislative body shall cause:

14 (1) a detailed report of all transactions of the parking commission, including a statement of all  
15 revenues and expenditures, to be filed with it at quarterly, semiannual, or annual intervals as the legislative  
16 body may prescribe; and

17 (2) a summary statement of all its financial affairs to be published at least once annually ~~in a~~  
18 ~~newspaper of general circulation published in the city or, if none is so published, then in such newspaper of~~  
19 ~~general circulation as it may deem most likely to give notice to all residents of the city as provided in 7-1-4127."~~

20

21 **Section 37.** Section 7-14-4615, MCA, is amended to read:

22 **"7-14-4615. Reports on commission transactions.** The legislative body shall cause:

23 (1) a detailed report of all transactions of the parking commission, including a statement of all  
24 revenues and expenditures, to be filed with it at quarterly, semiannual, or annual intervals as the legislative  
25 body may prescribe; and

26 (2) a summary statement of all its financial affairs to be published at least once annually ~~in a~~  
27 ~~newspaper of general circulation published in the city or, if none is so published, then in such newspaper of~~  
28 ~~general circulation as it may deem most likely to give notice to all residents of the city as provided in 7-1-4127."~~



**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1

2 **Section 38.** Section 7-15-4237, MCA, is amended to read:

3 **"7-15-4237. Annual report.** (1) An agency authorized to transact business and exercise powers  
4 under part 43 and this part shall file with the local governing body, on or before September 30 of each year, a  
5 report of its activities for the preceding fiscal year. A copy of the annual report must be made available upon  
6 request to the county and school districts that include municipal territory.

7 (2) The report must include a complete financial statement setting forth its assets, liabilities, income,  
8 and operating expenses and the amount of the tax increment as of the end of the fiscal year. The report must  
9 describe the expenditures of tax increment in the preceding fiscal year and how the expenditures comply with  
10 the approved urban renewal plan or comprehensive development plan for the district.

11 (3) At the time of filing the report, the agency shall publish ~~in a newspaper of general circulation in the~~  
12 ~~community as provided in 7-1-4127~~ a notice to the effect that the report has been filed with the municipality and  
13 that the report is available for inspection during business hours in the office of the city clerk and in the office of  
14 the agency."

15

16 **Section 39.** Section 7-15-4237, MCA, is amended to read:

17 **"7-15-4237. Annual report.** (1) An agency authorized to transact business and exercise powers  
18 under part 43 and this part shall file with the local governing body, on or before September 30 of each year, a  
19 report of its activities for the preceding fiscal year. A copy of the annual report must be made available upon  
20 request to the county and school districts that include municipal territory.

21 (2) The report must include a complete financial statement setting forth its assets, liabilities, income,  
22 and operating expenses and the amount of the tax increment as of the end of the fiscal year. The report must  
23 describe the expenditures of tax increment in the preceding fiscal year and how the expenditures comply with  
24 the approved urban renewal plan or comprehensive development plan for the district.

25 (3) At the time of filing the report, the agency shall publish ~~in a newspaper of general circulation in the~~  
26 ~~community as provided in 7-1-4127~~ a notice to the effect that the report has been filed with the municipality and  
27 that the report is available for inspection during business hours in the office of the city clerk and in the office of  
28 the agency."

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Section 40.** Section 7-15-4507, MCA, is amended to read:

**"7-15-4507. Sale of bonds.** (1) Any bonds issued by the authority may be sold at public or private sale as determined by the authority pursuant to 17-5-107. If the authority conducts a public sale, the bonds may be sold after notice published once at least 10 days prior to the sale ~~in a newspaper having a general circulation in the city as provided in 7-1-4127~~ and in a financial newspaper.

(2) The bonds may be sold at private sale pursuant to 17-5-107 without any public advertisement.

(3) The bonds may be sold at a price or prices as determined by the authority."

**Section 41.** Section 7-15-4507, MCA, is amended to read:

**"7-15-4507. Sale of bonds.** (1) Any bonds issued by the authority may be sold at public or private sale as determined by the authority pursuant to 17-5-107. If the authority conducts a public sale, the bonds may be sold after notice published once at least 10 days prior to the sale ~~in a newspaper having a general circulation in the city as provided in 7-1-4127~~ and in a financial newspaper.

(2) The bonds may be sold at private sale pursuant to 17-5-107 without any public advertisement.

(3) The bonds may be sold at a price or prices as determined by the authority."

**Section 42.** Section 7-31-108, MCA, is amended to read:

**"7-31-108. Notice of election.** (1) The board of county commissioners of the county in which ~~such~~ the election is to be held or the council of the incorporated city or town, as the case may be, shall give notice of such election, stating:

(a) the objects ~~thereof~~ of the election;

(b) the time and place of holding the ~~same~~ election;

(c) ~~such~~ any conditions of the contract as in their judgment are proper and necessary to enable the electors to vote intelligently upon the proposition submitted to them;

(d) the amount of bonds proposed to be issued, when payable, and the interest they are to bear; and

(e) a description of the tickets or ballots to be used.

(2) The notice shall be given at least three times a week for at least 6 consecutive weeks next

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

PD 0012

67th Legislature

1 preceding ~~such the election in some newspaper printed and published and circulated in the county, city, or~~  
2 ~~town, as the case may be, in which such election shall be held and if no newspaper be printed, published, and~~  
3 ~~circulated therein, then in some newspaper printed and published in some county nearest thereto as provided~~  
4 ~~in 7-1-2121 or 7-1-4127."~~

Commented [HT16]: Does this still meet the intent?

5

6 **Section 43.** Section 7-31-113, MCA, is amended to read:

7 **"7-31-113. Disposition of bonds.** (1) The board of county commissioners or council, as the case  
8 may be:

9 (a) may provide by contract for the delivery of bonds at a price not less than 97% of face value upon  
10 the terms and conditions provided in the contract; or

11 (b) may sell and dispose of bonds at public or private sale at a price not less than 97% of face value  
12 to raise funds to carry out the contract and use the funds for the payment of any expert or incidental expenses  
13 proper and necessary in completing the contract.

14 (2) In the event that the bonds are sold at public sale, the bonds must be sold for cash to the highest  
15 bidder, after public notice by publication ~~in a paper of general circulation printed and published as provided in 7-~~  
16 ~~1-2121~~ in each county in the state and also by publication in at least three newspapers of general circulation  
17 printed and published in the cities of Boston and New York. The notice must be published at least once a week  
18 and must contain, in substance, a description of the bonds as set out in 7-31-112."

19

20 **Section 44.** Section 7-31-4205, MCA, is amended to read:

21 **"7-31-4205. Procedure to close and fill ditch -- notice.** (1) When a public nuisance has been  
22 declared, as provided in this part, the city or town shall give public notice for at least 60 days to owners of the  
23 ditch and of any water rights affected that such ditch has been declared a public nuisance and that it shall be  
24 closed and filled unless the owners of such rights desire to keep the ditch open.

25 (2) ~~Such The notice shall include publication must be published as provided in 7-1-4127~~ once each  
26 week for at least 8 successive weeks ~~in an established newspaper published within the city or town if one exists~~  
27 ~~or, in its absence, in the official county newspaper."~~

Commented [HT17]: Check intent - if a county decides to NOT use an alternative electronic notice, should this language about the type of newspaper stay?

28

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1           **Section 45.** Section 7-32-2233, MCA, is amended to read:

2           **"7-32-2233. Requests for contract proposals.** (1) A local government seeking to enter into a  
3 contract under 7-32-2201 and 7-32-2232 may publish a request for proposals. The request for proposals must  
4 be published ~~in a newspaper of general circulation in the county as provided in 7-1-2121~~ once a week for 3  
5 successive weeks and must include information concerning the type of detention center services required.

6           (2) Requests for proposals must be sent to persons who have previously requested that their names  
7 be placed on a list of persons providing detention center services. The Montana board of crime control shall  
8 maintain a list of persons providing detention center services and furnish the list to a local government upon  
9 request.

10           (3) In selecting a proposal and awarding a contract, a local government need not accept the proposal  
11 with the lowest cost.

12           (4) The local government must base its selection on demonstrated competence, knowledge and  
13 qualifications, the reasonableness of the services proposed, and the reasonableness of the proposed contract  
14 price for the detention center services.

15           (5) A copy of all proposals must be kept available for public inspection in the office of the county clerk  
16 and recorder.

17           (6) The local government must give specific reasons for its selection of a proposal. The reasons must  
18 be recorded in the minutes of the governing body of the local government."

19

20           **Section 46.** Section 7-34-2204, MCA, is amended to read:

21           **"7-34-2204. Use of county property and funds for health care purposes.** (1) The board of county  
22 commissioners may, under the limitations and restrictions prescribed by law, lease county buildings, equipment,  
23 furniture, and fixtures for health care facility purposes, with full power of lessor except as limited in this section,  
24 upon the terms and conditions that the board may decide upon. The rentals received under the lease or leases  
25 must be paid into the general fund of the county.

26           (2) (a) A lease may not be made for a period longer than 5 years except in a case in which bonds are  
27 to be or have been issued in accordance with 7-34-2411, in which case the lease may extend until the maturity  
28 date of the bonds sold and in which case bond payments may be made from lease receipts.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

PD 0012

67th Legislature

1 (b) The board may not enter into a lease without first ~~having advertised in a newspaper published in~~  
2 ~~the county publishing notice as provided in 7-1-2121~~ at least once a week for 5 weeks that the health care  
3 facility or designated portion of a health care facility, including equipment if applicable, is for lease for health  
4 care purposes.

5 (3) Money in the county general fund may be transferred to a state agency to be used as matching  
6 funds for the receipt of federal money for health care purposes."  
7

8 **Section 47.** Section 7-34-2303, MCA, is amended to read:

9 **"7-34-2303. Lease of county property for boarding home.** (1) The board of county commissioners  
10 may lease county buildings, equipment, furniture, and fixtures for the purpose of operation of a boarding home  
11 for aged persons, with the full power of a lessor except as limited in this part, upon terms and conditions that  
12 the board may decide upon.

13 (2) The rentals received under the lease or leases must be paid into the general fund of the county, or  
14 if bonds have been issued under 7-34-2411 to finance or refinance the costs of a boarding home, the rentals  
15 must be applied, as necessary, to the payment of the principal of or interest on the bonds.

16 (3) (a) Except as provided in subsection (3)(b), the lease may not be made for a period longer than 5  
17 years.

18 (b) A lease may be made for a period longer than 5 years when bonds are issued under 7-34-2411, in  
19 which case the lease may extend until the maturity date of the bonds.

20 (4) The board may not enter into a lease unless it has ~~advertised in a newspaper published in the~~  
21 ~~county publishing notice as provided in 7-1-2121~~ at least once a week for 5 weeks that specified buildings and  
22 equipment are for lease for the purpose of a boarding home for aged persons."  
23

24 **Section 48.** Section 13-1-108, MCA, is amended to read:

25 **"13-1-108. Notice of political subdivision elections.** (1) Except as otherwise provided in this  
26 section, an election administrator conducting a political subdivision election shall give notice of the election at  
27 least three times no earlier than 40 days and no later than 10 days before the election. The notice must be  
28 published ~~in a newspaper of general circulation as provided in 7-1-2121~~ in the jurisdiction where the election

**Commented [HT18]:** Should this include 7-1-4127?  
Election administrator is a county official.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

PD 0012

67th Legislature

1 will be held or by broadcasting the notice on radio or television as provided in 2-3-105 through 2-3-107. The  
2 notice must be given using the method the election administrator believes is best suited to reach the largest  
3 number of potential electors. The provisions of this subsection are fulfilled upon the third publication or  
4 broadcast of the notice.

5 (2) ~~If the newspaper of general circulation within a political subdivision is a weekly newspaper, the~~  
6 notice may be published only two times and the notice requirements are fulfilled upon the second publication of  
7 the notice.

Commented [HT19]: Ok because it still allows for alternate publication

8 (3) With respect to an election on the creation or dissolution of a special purpose district or the  
9 alteration of a special purpose district's boundaries, the notice must include a specific description of the  
10 proposed boundaries or the proposed change to the boundaries."  
11

12 **Section 49.** Section 13-2-301, MCA, is amended to read:

13 **"13-2-301. Close of regular registration -- notice -- changes.** (1) The election administrator shall:

14 (a) close regular registrations for 30 days before any election; and

15 (b) publish a notice ~~as provided in 7-1-2121~~ specifying the day regular registrations will close and the  
16 availability of the late registration option provided for in 13-2-304 ~~in a newspaper of general circulation in the~~  
17 ~~county~~ at least three times in the 4 weeks preceding the close of registration or broadcast a notice on radio or  
18 television as provided in 2-3-105 through 2-3-107, using the method the election administrator believes is best  
19 suited to reach the largest number of potential electors. The provisions of this subsection (1)(b) are fulfilled  
20 upon the third publication or broadcast of the notice.

21 (2) Information to be included in the notice must be prescribed by the secretary of state.

22 (3) An application for voter registration properly executed and postmarked on or before the day  
23 regular registration is closed must be accepted as a regular registration for 3 days after regular registration is  
24 closed under subsection (1)(a).

25 (4) An elector who misses the deadlines provided for in this section may register to vote or change  
26 the elector's voter information and vote in the election as provided in 13-2-304."  
27

28 **Section 50.** Section 13-2-402, MCA, is amended to read:

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1           **"13-2-402. Reasons for cancellation.** The election administrator shall cancel the registration of an  
2 elector if:

- 3           (1) the elector submits a written request for cancellation;
- 4           (2) a certificate of the death of the elector is filed or if the elector is reported to the election  
5 administrator as deceased by the department of public health and human services in the department's reports  
6 submitted to the county under 50-15-409 or through ~~a newspaper an~~ obituary;
- 7           (3) the elector is of unsound mind as established by a court;
- 8           (4) the incarceration of the elector in a penal institution for a felony conviction is legally established;
- 9           (5) a certified copy of a court order directing the cancellation is filed with the election administrator;
- 10          (6) a notice is received from the secretary of state or from another county or state that the elector has  
11 registered in another county or state;
- 12          (7) the elector:
  - 13           (a) fails to respond to certain confirmation mailings;
  - 14           (b) is placed on the inactive list; and
  - 15           (c) then fails to vote in two consecutive federal general elections; or
  - 16           (8) the elector fails to meet any voter qualification that is listed in 13-1-111."

17  
18           **Section 51.** Section 13-3-105, MCA, is amended to read:

19           **"13-3-105. Designation of polling place.** (1) The county governing body shall designate the polling  
20 place for each precinct no later than 30 days before a primary election. The same polling place must be used  
21 for both the primary and general election if at all possible. Changes may be made by the governing body in  
22 designated polling places up to 10 days before an election if a designated polling place is not available. Polling  
23 places may be located outside the boundaries of a precinct.

24           (2) Not more than 10 days or less than 2 business days before an election, the election administrator  
25 shall publish ~~in a newspaper of general circulation in the county as provided in 7-1-2121~~ a statement of the  
26 locations of the precinct polling places. The election administrator shall include in the published notice the  
27 accessibility designation for each polling place according to the classification in 13-3-207. Notice may also be  
28 given as provided in 2-3-105 through 2-3-107.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 (3) An election administrator may make changes in the location of a polling place if an emergency  
2 occurs 10 days or less before an election. Notice must be posted at both the old and new polling places, and  
3 other notice may be given by whatever means available.

4 (4) (a) Any building may be used as a polling place. The building must be furnished at no charge as  
5 long as no structural changes are required in order to use the building as a polling place.

6 (b) If the building regularly used as a designated polling place is not available for an election because  
7 of an unforeseen or temporary circumstance and no other suitable building is available free of charge, the  
8 county may pay for use of a building as a temporary polling place for that election provided that the building  
9 meets the polling place standards under this chapter. If a county pays for the use of a building as a temporary  
10 polling place because of an unforeseen or temporary circumstance, the county shall provide with its regular  
11 report on election costs to the secretary of state any costs incurred for use of a building pursuant to this  
12 subsection (4)(b).

13 (5) The exterior of the voting systems, or of the booths in which they are placed, and every part of the  
14 polling place must be in plain view of the election judges."  
15

16 **Section 52.** Section 13-15-105, MCA, is amended to read:

17 **"13-15-105. Notices relating to absentee ballot counting board.** (1) Not more than 10 days or less  
18 than 2 days before an election, the election administrator shall broadcast on radio or television, as provided in  
19 2-3-105 through 2-3-107, or publish ~~in a newspaper of general circulation in the county as provided in 7-1-2121~~  
20 a notice indicating the method that will be used for counting absentee ballots and the place and time that the  
21 absentee ballots will be counted.

22 (2) If the count will begin before the polls close, the notice required under subsection (1) must inform  
23 the public that any person observing the procedures of the count is required to take the oath provided in 13-15-  
24 207(4) and is subject to 13-35-241."  
25

26 **Section 53.** Section 13-17-203, MCA, is amended to read:

27 **"13-17-203. Publication of information concerning voting systems.** (1) Not more than 10 or less  
28 than 2 days before an election at which a voting system will be used by voters, the election administrator shall



**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 broadcast on radio or television, as provided in 2-3-105 through 2-3-107, or publish ~~in a newspaper of general~~  
2 ~~circulation in the county as provided in 7-1-2121:~~

3 (a) ~~except for notice broadcast on radio or television,~~ a diagram showing the voting system to be used  
4 by voters and a sample of the ballot layout ~~(in newspaper only);~~

5 (b) a statement of the locations where voting systems to be used by voters are on public exhibition;

6 and

7 (c) instructions on how to vote.

8 (2) The election administrator shall select the method of notification that the election administrator  
9 believes is best suited to reach the largest number of potential electors."

10  
11 **Section 54.** Section 15-15-101, MCA, is amended to read:

12 **"15-15-101. County tax appeal board -- meetings and compensation.** (1) The board of county  
13 commissioners of each county shall appoint a county tax appeal board, with a minimum of three members and  
14 with the members to serve staggered terms of 3 years each. The members of each county tax appeal board  
15 must be residents of the county in which they serve.

16 (2) (a) The members receive compensation as provided in subsection (2)(b) and travel expenses, as  
17 provided for in 2-18-501 through 2-18-503, only when the county tax appeal board meets to hear taxpayers'  
18 appeals from property tax assessments or when they are attending meetings called by the Montana tax appeal  
19 board. Travel expenses and compensation must be paid from the appropriation to the Montana tax appeal  
20 board.

21 (b) (i) The daily compensation for a member is as follows:

22 (A) \$45 for 4 hours of work or less; and

23 (B) \$90 for more than 4 hours of work.

24 (ii) For the purpose of calculating work hours in this subsection (2)(b), work includes hearing tax  
25 appeals, deliberating with other board members, and attending meetings called by the Montana tax appeal  
26 board.

27 (3) Office space and equipment for the county tax appeal boards must be furnished by the county. All  
28 other incidental expenses must be paid from the appropriation of the Montana tax appeal board.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 (4) The county tax appeal board shall hold an organizational meeting each year on the date of its first  
2 scheduled hearing, immediately before conducting the business for which the hearing was otherwise  
3 scheduled. At the organizational meeting, the members shall choose one member as the presiding officer of the  
4 board. The county tax appeal board shall continue in session from July 1 of the current tax year until December  
5 31 of the current tax year to hear protests concerning assessments made by the department until the business  
6 of hearing protests is disposed of and, as provided in 15-2-201, may meet after December 31.

7 (5) In counties that have appointed more than three members to the county tax appeal board, only  
8 three members shall hear each appeal. The presiding officer shall select the three members hearing each  
9 appeal.

10 (6) In connection with an appeal, the county tax appeal board may change any assessment or fix the  
11 assessment at some other level. Upon notification by the county tax appeal board, the county clerk and  
12 recorder shall publish a notice to taxpayers, giving the time the county tax appeal board will be in session to  
13 hear scheduled protests concerning assessments and the latest date the county tax appeal board may take  
14 applications for the hearings. The notice must be published ~~in a newspaper if any is printed in the county or, if~~  
15 ~~none, then as provided in 7-1-2121 and~~ in the manner that the county tax appeal board directs. The notice  
16 must be published by May 15 of the current tax year.

17 (7) Challenges to a department rule governing the assessment of property or to an assessment  
18 procedure apply only to the taxpayer bringing the challenge and may not apply to all similarly situated taxpayers  
19 unless an action is brought in the district court as provided in 15-1-406."  
20

21 **Section 55.** Section 17-5-106, MCA, is amended to read:

22 **"17-5-106. Notice of public bond sale.** Notwithstanding any other provision of state law relating to  
23 the publication of notice in advance of the sale of bonds, it is sufficient to publish the notice once a week for 2  
24 consecutive weeks preceding the sale."  
25

26 **Section 56.** Section 61-2-106, MCA, is amended to read:

27 **"61-2-106. County drinking and driving prevention program.** (1) The governing body of a county  
28 may appoint a task force to study the problem of alcohol-related traffic accidents and recommend a program

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 designed to:

- 2 (a) prevent driving while under the influence of alcohol;
- 3 (b) reduce alcohol-related traffic accidents; and
- 4 (c) educate the public on the dangers of driving after consuming alcoholic beverages or other
- 5 chemical substances that impair judgment or motor functions.

6 (2) A task force appointed under subsection (1) shall conduct its study and submit its  
7 recommendations within 6 months from the date it was appointed. Task force meetings are open to the public.

8 The task force shall give notice by publication ~~in the community meeting announcement section of a newspaper~~  
9 ~~of general circulation in the county as provided in 7-1-2121.~~

10 (3) The county governing body may by resolution adopt the recommendations of the task force  
11 appointed under subsection (1). The proposed program must be approved by the governor as provided in 61-2-  
12 105.

13 (4) The presiding officer of the task force shall submit to the county governing body:

- 14 (a) a budget and a financial report for each fiscal year; and
- 15 (b) an annual report containing but not limited to:
  - 16 (i) an evaluation of the effectiveness of the program;
  - 17 (ii) the number of arrests and convictions in the county for driving under the influence of alcohol and
  - 18 the sentences imposed for these convictions;
  - 19 (iii) the number of alcohol-related traffic accidents in the county; and
  - 20 (iv) any other information requested by the county governing body or considered appropriate by the
  - 21 task force.

22 (5) A copy of the annual report may be submitted to the department."  
23

24 **Section 57.** Section 61-12-402, MCA, is amended to read:

25 **"61-12-402. (Temporary) Notice to owner.** (1) Within 72 hours after a vehicle is removed and held  
26 by or at the direction of the Montana highway patrol, the highway patrol shall notify the sheriff of the county or  
27 the chief of police of the city in which the vehicle is being stored of where and when the vehicle was taken into  
28 custody and of where the vehicle is being stored. In addition, the Montana highway patrol shall furnish the

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 sheriff or the chief of police:

2 (a) a complete description of the vehicle, including year, make, model, serial number, and license  
3 number if available;

4 (b) any costs incurred to that date in the removal, storage, and custody of the vehicle; and

5 (c) any available information concerning the vehicle's ownership.

6 (2) The highway patrol shall notify the sheriff of the county or the chief of police of the city in which the  
7 vehicle was taken into custody of the location at which the vehicle is being stored if the vehicle was removed to  
8 a different county.

9 (3) The sheriff or the city police in the jurisdiction where the vehicle is being stored shall make  
10 reasonable efforts to ascertain the name and address of the owner, lienholder, or person entitled to possession  
11 of the vehicle taken into custody under 61-12-401. If a name and address are ascertained, the sheriff or the city  
12 police shall notify the owner, lienholder, or person of the location of the vehicle.

13 (4) If the vehicle is registered in the office of the department, notice is considered to have been given  
14 when a certified letter addressed to the registered owner of the vehicle and lienholder, if any, at the latest  
15 address shown by the records in the office of the department, return receipt requested and postage prepaid, is  
16 mailed at least 30 days before the vehicle is sold as provided in 61-12-404(1)(a) or at least 60 days before the  
17 vehicle is sold as provided in 61-12-404(1)(b).

18 (5) If the identity of the last-registered owner cannot be determined, if the registration does not  
19 contain an address for the owner, or if it is impossible to determine with reasonable certainty the identity and  
20 addresses of all lienholders, notice by one publication in one newspaper of general circulation as provided in 7-  
21 1-2121 in the county where the motor vehicle is being stored is sufficient to meet all requirements of notice  
22 pursuant to this part. The notice by publication may contain multiple listings of abandoned vehicles. The notice  
23 must be provided in the same manner as prescribed in 25-13-701(1)(b).

24 (6) If the abandoned vehicle is in the possession of a motor vehicle wrecking facility licensed under  
25 75-10-511, the wrecking facility may make the required search to ascertain the name and address of the owner,  
26 lienholder, or person entitled to possession of the vehicle and shall give the notices required in subsections (3)  
27 through (5). The wrecking facility shall deliver to the sheriff or the city police a certificate describing the efforts  
28 made to ascertain the name and address of the owner, lienholder, or person entitled to possession of the

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 vehicle and shall deliver to the sheriff or the city police proof of the notice given.

2 (7) (a) (i) A vehicle found by law enforcement officials to be a junk vehicle, as defined in 75-10-501,  
3 and that has a value of \$500 or less may be directly submitted for disposal in accordance with the provisions of  
4 Title 75, chapter 10, part 5, upon a release given by the sheriff or the city police. The county representative  
5 designated to implement the county motor vehicle recycling and disposal program pursuant to 75-10-521 for the  
6 county where the vehicle is being stored shall determine the value of the vehicle. In the release, the sheriff or  
7 the city police shall include a description of the vehicle, including year, make, model, serial number, and license  
8 number if available. If the vehicle is being stored by a motor vehicle wrecking facility, the sheriff or the city  
9 police shall transmit the release to the motor vehicle wrecking facility and the facility shall consider the release  
10 to meet the requirements for records under 61-3-225 and 75-10-512. If the vehicle is being stored by a qualified  
11 tow truck operator, as defined in 61-8-903, the sheriff or the city police shall transmit the release to the  
12 operator. Vehicles described in this section may be submitted for disposal without notice and without a required  
13 holding period.

14 (ii) A junk nonmotorized vehicle, as defined in 75-10-501, may be submitted for disposal as provided in  
15 this subsection (7)(a) pursuant to the same provisions as a junk vehicle if the county has agreed to accept junk  
16 nonmotorized vehicles for disposal pursuant to 75-10-521(10).

17 (b) A licensed vehicle that otherwise meets the definition of a junk vehicle, as defined in 75-10-501,  
18 and that has a value of \$500 or less may be directly submitted for disposal as provided in subsection (7)(a).  
19 (Terminates June 30, 2023--sec. 1, Ch. 72, L. 2021.)

20 **61-12-402. (Effective July 1, 2023) Notice to owner.** (1) Within 72 hours after a vehicle is removed  
21 and held by or at the direction of the Montana highway patrol, the highway patrol shall notify the sheriff of the  
22 county or the chief of police of the city in which the vehicle is being stored of where and when the vehicle was  
23 taken into custody and of where the vehicle is being stored. In addition, the Montana highway patrol shall  
24 furnish the sheriff or the chief of police:

25 (a) a complete description of the vehicle, including year, make, model, serial number, and license  
26 number if available;

27 (b) any costs incurred to that date in the removal, storage, and custody of the vehicle; and

28 (c) any available information concerning the vehicle's ownership.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 (2) The highway patrol shall notify the sheriff of the county or the chief of police of the city in which the  
2 vehicle was taken into custody of the location at which the vehicle is being stored if the vehicle was removed to  
3 a different county.

4 (3) The sheriff or the city police in the jurisdiction where the vehicle is being stored shall make  
5 reasonable efforts to ascertain the name and address of the owner, lienholder, or person entitled to possession  
6 of the vehicle taken into custody under 61-12-401. If a name and address are ascertained, the sheriff or the city  
7 police shall notify the owner, lienholder, or person of the location of the vehicle.

8 (4) If the vehicle is registered in the office of the department, notice is considered to have been given  
9 when a certified letter addressed to the registered owner of the vehicle and lienholder, if any, at the latest  
10 address shown by the records in the office of the department, return receipt requested and postage prepaid, is  
11 mailed at least 30 days before the vehicle is sold as provided in 61-12-404(1)(a) or at least 60 days before the  
12 vehicle is sold as provided in 61-12-404(1)(b).

13 (5) If the identity of the last-registered owner cannot be determined, if the registration does not  
14 contain an address for the owner, or if it is impossible to determine with reasonable certainty the identity and  
15 addresses of all lienholders, notice by one publication ~~in one newspaper of general circulation as provided in 7-~~  
16 ~~1-2121~~ in the county where the motor vehicle is being stored is sufficient to meet all requirements of notice  
17 pursuant to this part. The notice by publication may contain multiple listings of abandoned vehicles. The notice  
18 must be provided in the same manner as prescribed in 25-13-701(1)(b).

19 (6) If the abandoned vehicle is in the possession of a motor vehicle wrecking facility licensed under  
20 75-10-511, the wrecking facility may make the required search to ascertain the name and address of the owner,  
21 lienholder, or person entitled to possession of the vehicle and shall give the notices required in subsections (3)  
22 through (5). The wrecking facility shall deliver to the sheriff or the city police a certificate describing the efforts  
23 made to ascertain the name and address of the owner, lienholder, or person entitled to possession of the  
24 vehicle and shall deliver to the sheriff or the city police proof of the notice given.

25 (7) (a) A vehicle found by law enforcement officials to be a junk vehicle, as defined by 75-10-501,  
26 and that has a value of \$500 or less may be directly submitted for disposal in accordance with the provisions of  
27 Title 75, chapter 10, part 5, upon a release given by the sheriff or the city police. The county representative  
28 designated to implement the county motor vehicle recycling and disposal program pursuant to 75-10-521 for the

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 county where the vehicle is being stored shall determine the value of the vehicle. In the release, the sheriff or  
2 the city police shall include a description of the vehicle, including year, make, model, serial number, and license  
3 number if available. If the vehicle is being stored by a motor vehicle wrecking facility, the sheriff or the city  
4 police shall transmit the release to the motor vehicle wrecking facility and the facility shall consider the release  
5 to meet the requirements for records under 61-3-225 and 75-10-512. If the vehicle is being stored by a qualified  
6 tow truck operator, as defined in 61-8-903, the sheriff or the city police shall transmit the release to the  
7 operator. Vehicles described in this section may be submitted for disposal without notice and without a required  
8 holding period.

9 (b) A licensed vehicle that otherwise meets the definition of a junk vehicle, as defined in 75-10-501,  
10 and that has a value of \$500 or less may be directly submitted for disposal as provided in subsection (7)(a)."  
11

12 **Section 58.** Section 67-11-103, MCA, is amended to read:

13 **"67-11-103. Regional airport authority.** (1) Two or more municipalities may by joint resolution create  
14 a public body, corporate and politic, to be known as a regional airport authority. The resolution creating a  
15 regional airport authority must create a board of not less than five commissioners; the number to be appointed,  
16 their term and compensation, if any, must be provided for in the resolution. Each regional airport authority shall  
17 organize, select officers for terms to be fixed by agreement, and adopt and amend from time to time rules for its  
18 own procedure consistent with 67-11-104.

19 (2) A regional airport authority may be increased to serve one or more additional municipalities if each  
20 additional municipality and each of the municipalities then included in the regional authority and the  
21 commissioners of the regional authority, respectively, adopt a joint resolution consenting to the increase. If a  
22 municipal airport authority for any municipality seeking to be included in the regional authority is then in  
23 existence, the commissioners of the municipal authority shall consent to the inclusion of the municipality in the  
24 regional authority. Upon the inclusion of any municipality in the regional authority, all rights, contracts,  
25 obligations, and property, real and personal, of the municipal authority must be in the name of and vest in the  
26 regional authority.

27 (3) A regional airport authority may be decreased if each of the municipalities then included in the  
28 regional authority and the commissioners of the regional authority consent to the decrease and make provisions

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 for the retention or disposition of its assets and liabilities.

2 (4) A municipality may not adopt any resolution authorized by this section without a public hearing on

3 the resolution. Notice of the hearing must be ~~given-published~~ at least 10 days prior to the hearing ~~in-a~~

4 ~~newspaper published in the municipality or, if there is no newspaper published in the municipality, in a~~

5 ~~newspaper having general circulation in the municipality as provided in 7-1-4127.~~

6 (5) For the purpose of this chapter, a regional airport authority has the same powers as all other  
7 political subdivisions in the adoption and enforcement of airport affected area regulations as provided for in this  
8 title."

9

10 **Section 59.** Section 69-7-111, MCA, is amended to read:

11 **"69-7-111. Municipal rate hearing required -- notice.** (1) Except as provided in 75-5-516, 75-6-108,

12 and subsection (6), if the governing body of a municipality considers it advisable to regulate, establish, or

13 change rates, charges, or classifications imposed on its customers, it shall order a hearing to be held before it

14 at a time and place specified.

15 (2) Notice of the hearing must be published ~~in a newspaper~~ as provided in 7-1-4127.

16 (3) (a) The notice must be published three times with at least 6 days separating each publication.

17 The first publication may be no more than 28 days prior to the hearing, and the last publication may be no less  
18 than 3 days prior to the hearing.

19 (b) The notice must also be mailed at least 7 days and not more than 30 days prior to the hearing to  
20 persons served by the utility. The notice must be mailed within the prescribed time period. This notice must  
21 contain an estimate of the amount the customer's average bill will increase.

22 (4) The published notice must contain:

23 (a) the date, time, and place of the hearing;

24 (b) a brief statement of the proposed action; and

25 (c) the address and telephone number of a person who may be contacted for further information  
26 regarding the hearing.

27 (5) Notice of all hearings shall be mailed first class, postage prepaid, to the Montana consumer  
28 counsel.



**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 (6) (a) If the proposed increase in the rates, fees, or charges imposed by the municipality is the result  
2 of the establishment of or change in rates, fees, or charges imposed by a regional authority of which the  
3 municipality is a customer and the authority is required to hold a public hearing pursuant to 75-6-326, the  
4 governing body of the municipality shall:

5 (i) mail notice of the public hearing to be held by the authority to all persons served by the municipality  
6 at least 15 days before the public hearing; and

7 (ii) provide notification to all persons served by the municipality at least 10 days prior to the enactment  
8 of the ordinance or adoption of the resolution implementing the increase.

9 (b) The municipality is not required to hold a public hearing in connection with the increase.

10 (7) If a regional authority is not required to hold a public hearing as provided in 75-6-326(9), the  
11 municipality is subject to the hearing requirements of this section."  
12

13 **Section 60.** Section 72-14-207, MCA, is amended to read:

14 **"72-14-207. Unsold tangible personal property -- how disposed of -- auction sale.** (1) If the  
15 tangible personal property in an escheated estate was not sold by the personal representative at the final  
16 settlement of the estate, the personal representative shall deliver the property to the county treasurer. The  
17 county treasurer shall, within 1 year of the receipt of the property, sell it to the highest bidder at a public auction  
18 sale at the county seat of the county of administration of the estate.

19 (2) The county treasurer shall give notice of the sale by publication as provided in 7-1-2121 once a  
20 week for 2 successive weeks in a newspaper published in the county of administration. The last publication  
21 must be at least 20 days prior to the date of the sale. The notice must give the time and place of the sale and  
22 must contain a description of the property to be sold.

23 (3) All expenses of the sale must be deducted from the proceeds of the sale by the county treasurer,  
24 and the balance of the proceeds must be delivered by the county treasurer to the department of revenue for  
25 deposit in the private purpose trust fund."  
26

27 **Section 61.** Section 76-1-104, MCA, is amended to read:

28 **"76-1-104. Procedure to establish county planning board -- protest.** (1) Before a county planning

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

PD 0012

67th Legislature

1 board may be created, the board of county commissioners shall by resolution give public notice of their intent to  
2 create such planning board and of a public hearing ~~thereon by publication of notice. Notice must be published~~  
3 ~~as provided in 7-1-2121 and include of the~~ time and place of ~~the~~ hearing ~~on such resolution in each newspaper~~  
4 ~~published in the county~~ not less than 15 or more than 30 days prior to the date of hearing.

5 (2) A resolution creating a county planning board shall not be adopted by the board of county  
6 commissioners if disapproved in writing, not later than 60 days after such hearing, by a majority of the qualified  
7 electors of the county residing outside the limits of the jurisdictional area of an existing city-county planning  
8 board established pursuant to 76-1-504 through 76-1-507 and outside the incorporated limits of each city and  
9 town in the county."

10

11 **Section 62.** Section 76-1-505, MCA, is amended to read:

12 **"76-1-505. Extension of boundaries of city-county planning board jurisdictional area.** (1) The  
13 boundaries of the jurisdictional area can be extended further than ~~4&#8201;1/2~~ miles from the limits of the cities  
14 only upon petition signed by 5% or more of the resident freeholders living in excess of ~~4&#8201;1/2~~ miles and  
15 not more than 12 miles from the limits of the cities and within the area desiring to be included within ~~said the~~  
16 jurisdictional limits and upon presentation of ~~said the~~ petition to the board of county commissioners.

17 (2) Thereafter, the board of county commissioners must by resolution set the proposed boundaries of  
18 ~~said the~~ area and give notice of their intent to add ~~said the~~ area to the jurisdictional limits ~~theretofore previously~~  
19 created and of receipt of ~~said the~~ petition by publication of notice of time and place of hearing on ~~said the~~  
20 petition and resolution. ~~Said The~~ notice is to be published ~~in a newspaper published in the county as provided~~  
21 ~~in 7-1-2121~~ not less than 10 or more than 20 days prior to the date of ~~said the~~ hearing. Thereafter, the  
22 boundaries of ~~said the~~ area can only be set upon good cause being shown for the establishment of ~~said the~~  
23 extended jurisdictional area ~~and the boundaries thereof~~, provided that ~~such the~~ resolution ~~shall may~~ not be  
24 adopted by the board of county commissioners if disapproved in writing by a majority of the freeholders of the  
25 territory proposed to be embraced. The jurisdictional area shall not extend more than 12 miles beyond the limits  
26 of any city within the jurisdictional area."

27

28 **Section 63.** Section 76-1-602, MCA, is amended to read:

Commented [HT20]: Editors please check

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1           **"76-1-602. Public hearing on proposed growth policy.** (1) Prior to the submission of the proposed  
2 growth policy to the governing bodies, the board shall give notice and hold a public hearing on the growth  
3 policy.

4           (2) At least 10 days prior to the date set for hearing, the board shall publish ~~in a newspaper of general~~  
5 ~~circulation in the jurisdictional area as provided in 7-1-2121~~ a notice of the time and place of the hearing."  
6

7           **Section 64.** Section 76-2-205, MCA, is amended to read:

8           **"76-2-205. Procedure for adoption of regulations and boundaries.** The board of county  
9 commissioners shall observe the following procedures in the establishment or revision of boundaries for zoning  
10 districts and in the adoption or amendment of zoning regulations:

11           (1) Notice of a public hearing on the proposed zoning district boundaries and of regulations for the  
12 zoning district must:

13           (a) state:

14           (i) the boundaries of the proposed district;

15           (ii) the general character of the proposed zoning regulations;

16           (iii) the time and place of the public hearing;

17           (iv) that the proposed zoning regulations are on file for public inspection at the office of the county clerk  
18 and recorder;

19           (b) be posted not less than 45 days before the public hearing in at least five public places, including  
20 but not limited to public buildings and adjacent to public rights-of-way, within the proposed district; and

21           (c) be published ~~as provided in 7-1-2121~~ once a week for 2 weeks ~~in a newspaper of general~~  
22 ~~circulation within the county.~~

23           (2) At the public hearing, the board of county commissioners shall give the public an opportunity to be  
24 heard regarding the proposed zoning district and regulations.

25           (3) After the public hearing, the board of county commissioners shall review the proposals of the  
26 planning board and shall make any revisions or amendments that it determines to be proper.

27           (4) The board of county commissioners may pass a resolution of intention to create a zoning district  
28 and to adopt zoning regulations for the district.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 (5) The board of county commissioners shall publish as provided in 7-1-2121 a notice of passage of  
2 the resolution of intention once a week for 2 weeks ~~in a newspaper of general circulation within the county~~. The  
3 notice must state:

4 (a) the boundaries of the proposed district;

5 (b) the general character of the proposed zoning regulations;

6 (c) that the proposed zoning regulations are on file for public inspection at the office of the county  
7 clerk and recorder;

8 (d) that for 30 days after first publication of this notice, the board of county commissioners will receive  
9 written comments on the creation of the zoning district or to the zoning regulations from persons owning real  
10 property within the district whose names appear on the last-completed assessment roll of the county.

11 (6) Within 30 days after the expiration of the comment period, the board of county commissioners  
12 may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for  
13 the district."

14  
15 **Section 65.** Section 76-2-220, MCA, is amended to read:

16 **"76-2-220. Zoning commission -- appointment -- duties.** (1) For the purpose of providing an  
17 optional method of amending any zoning regulations or zoning classification, the county commissioners may  
18 appoint a zoning commission to recommend amendments to the zoning regulations and classifications. Such a  
19 zoning commission must be composed of at least five citizen members appointed at large from the zoning  
20 district. The county commissioners may adopt bylaws for the zoning commission pertaining to the qualifications  
21 of the members and such other matters as the commissioners consider necessary.

22 (2) If a commission is appointed, it shall hold a public hearing to receive relevant testimony. The  
23 hearing, which may be held jointly with the hearing by the county commissioners, must be upon-within at least  
24 15 days' notice of the time and place of the hearing and must be published in the contracted newspaper

25 provided for in 18-7-411 or ~~a newspaper of general circulation in the county as provided in 7-1-2121~~.

26 Recommendations of the zoning commission must be submitted to the county commissioners."  
27

28 **Section 66.** Section 76-2-306, MCA, is amended to read:

**Commented [HT21]:** County advertising contracts - not affected by PD12

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1           **"76-2-306. Interim zoning ordinances.** (1) Except as provided in 76-2-340, the city or town council  
2 or other legislative body of the municipality, to protect the public safety, health, and welfare and without  
3 following the procedures otherwise required prior to the adoption of a zoning ordinance, may adopt as an  
4 urgency measure an interim zoning ordinance prohibiting any uses that may be in conflict with a contemplated  
5 zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time.

6           (2) An interim zoning ordinance may be applicable only within the city limits and up to 1 mile beyond  
7 the corporate boundaries of the city or town and takes effect upon passage if a hearing is first held upon notice  
8 reasonably designed to inform all affected parties. A notice must be published ~~in a newspaper of general~~  
9 ~~circulation as provided in 7-1-4127~~ at least 7 days before the hearing.

10           (3) An interim zoning ordinance is no longer in effect 6 months from the date of its adoption. However,  
11 after notice pursuant to 76-2-303 and pursuant to public hearing, the legislative body may extend the interim  
12 zoning ordinance for 1 year. Any extension requires a two-thirds vote for passage and becomes effective upon  
13 passage. No more than two extensions may be adopted."

14

15           **Section 67.** Section 76-3-503, MCA, is amended to read:

16           **"76-3-503. Hearing on proposed regulations.** Before the governing body adopts subdivision  
17 regulations pursuant to 76-3-501 or 76-3-509, it shall hold a public hearing on the regulations and shall give  
18 public notice of its intent to adopt the regulations and of the public hearing by publication of notice ~~as provided~~  
19 ~~in 7-1-2121 or 7-1-4127~~ of the time and place of the hearing ~~in a newspaper of general circulation in the county~~  
20 not less than 15 or more than 30 days prior to the date of the hearing."

21

22           **Section 68.** Section 76-3-605, MCA, is amended to read:

23           **"76-3-605. Hearing on subdivision application.** (1) Except as provided in 76-3-609 and 76-3-616  
24 and subject to the regulations adopted pursuant to 76-3-504(1)(o) and 76-3-615, at least one public hearing on  
25 the subdivision application must be held by the governing body, its authorized agent or agency, or both and the  
26 governing body, its authorized agent or agency, or both shall consider all relevant evidence relating to the  
27 public health, safety, and welfare, including the environmental assessment if required, to determine whether the  
28 subdivision application should be approved, conditionally approved, or denied by the governing body.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 (2) When a proposed subdivision is also proposed to be annexed to a municipality, the governing  
2 body of the municipality shall hold joint hearings on the subdivision application and annexation whenever  
3 possible.

4 (3) Notice of the hearing must be ~~given by publication in a newspaper of general circulation in the~~  
5 ~~county published as provided in 7-1-2121 or 7-1-4127~~ not less than 15 days prior to the date of the hearing.

6 The subdivider, each property owner of record whose property is immediately adjoining the land included in the  
7 preliminary plat, and each purchaser under contract for deed of property immediately adjoining the land  
8 included in the preliminary plat must also be notified of the hearing by registered or certified mail not less than  
9 15 days prior to the date of the hearing.

10 (4) When a hearing is held by an agent or agency designated by the governing body, the agent or  
11 agency shall act in an advisory capacity and recommend to the governing body the approval, conditional  
12 approval, or denial of the proposed subdivision. This recommendation must be submitted to the governing body  
13 in writing not later than 10 working days after the public hearing."  
14

15 **Section 69.** Section 80-8-120, MCA, is amended to read:

16 **"80-8-120. Local pesticide regulation.** (1) (a) A unit of local government may adopt an ordinance to  
17 require a commercial applicator, as defined in 80-8-102, to provide notification when applying a pesticide,  
18 subject to the following provisions:

19 (i) The applicator shall post a sign or signs at the time of the pesticide application or provide  
20 notification as provided for in subsection (1)(a)(v). The applicator, property owner, or property manager may not  
21 remove a sign until the pesticide is dry or the reentry interval on the pesticide label has expired, whichever is  
22 later.

23 (ii) A sign must be:

- 24 (A) at least 4 inches in height and 5 inches in width; and  
25 (B) made of weather-resistant material if used for outdoor application.

26 (iii) A sign must contain:

- 27 (A) the words "pesticide application"; and  
28 (B) the telephone number of the applicator, property owner, or property manager who can supply

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 further information about the pesticide.

2 (iv) A sign must be posted:

3 (A) at a point clearly visible from each street or road frontage of the property so that the warning is  
4 conspicuous from the public right-of-way;

5 (B) for an interior application, at each public access to the treated property with the front of the sign  
6 facing the access;

7 (C) for a golf course, at a conspicuous place in the clubhouse or pro shop or at the first and tenth  
8 tees.

9 (v) Notification for an application by a mosquito control district or a weed management district must be  
10 provided ~~in a local newspaper~~ as provided in 7-1-2121 or 7-1-4127 or on local radio or television stating that the  
11 property will be treated and providing the telephone number of an individual who can supply further information  
12 on the pesticide applications. Notification under this subsection (1)(a)(v) must be made annually in the spring  
13 and periodically during the pesticide application season.

14 (vi) Posting or notification is not required for the following:

15 (A) a spot treatment of an area that is less than 100 square feet;

16 (B) an applicator subject to the environmental protection agency's worker protection standards as  
17 published in 40 CFR, part 156, subpart K, and 40 CFR, part 170;

18 (C) an application on land classified as agricultural land or forest land for taxation purposes;

19 (D) an application on an irrigation conveyance facility or land or on an irrigation ditch easement or  
20 right-of-way;

21 (E) an application of a pesticide that is a minimum risk pesticide as published by the environmental  
22 protection agency in 40 CFR 152.25(g)(1) or a sanitizer, a disinfectant, or a microbial registered with the  
23 environmental protection agency;

24 (F) an application on a railroad facility or right-of-way;

25 (G) an application on a public utility facility or right-of-way.

26 (b) A unit of local government that adopts a notification ordinance pursuant to this section shall:

27 (i) notify the department that it is adopting the ordinance on pesticide notification as provided in this  
28 section and provide the department a final copy for the department's register provided for in subsection (4); and

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

- 1 (ii) fund the costs, including but not limited to:
- 2 (A) educating its citizens of the ordinance's requirements;
- 3 (B) compensating personnel to enforce the ordinance; and
- 4 (C) prosecution of a violation of the ordinance.
- 5 (c) A unit of local government may not adopt a notification ordinance under this section that imposes
- 6 additional fee requirements on a commercial applicator.

7 (2) The department may enter into a cooperative agreement with a unit of local government for the

8 administration and enforcement of local rules adopted under 80-8-105(3)(a).

9 (3) Except as provided in subsections (1) and (2), a unit of local government may not regulate or

10 prohibit the registration, labeling, distribution, use, or sale of pesticides or enact notification provisions more

11 stringent than those provided for in subsections (1) and (2). It is not the intent of this subsection to prevent local

12 responsibilities for zoning, fire codes, or disposal of pesticides pursuant to Title 75, chapter 10, part 4.

13 (4) The department shall maintain and, upon request, distribute a register of ordinances adopted by

14 local governing bodies pursuant to subsection (1)."

15

16 **Section 70.** Section 81-4-301, MCA, is amended to read:

17 **"81-4-301. Herd districts -- creation, size, and location.** (1) Herd districts may be created in any

18 county in the state of Montana:

19 (a) upon petition of owners or possessors of 55% of the land in the district and providing that 25% or

20 more of the land in the district is in actual cultivation or being used for residential purposes; or

21 (b) upon petition of owners or possessors of 75% of the land in the district.

22 (2) Herd districts must contain 12 square miles or more, lying not less than 1 mile in width, outside of

23 the incorporated cities, except that herd districts may be created containing not less than 6 or more than 54

24 square miles, lying not less than 2 miles in width, when the territory joins and is contiguous with the boundaries

25 of a city having a population of 10,000 or more and the territory to be created in a herd district has a suburban

26 population of not less than 200 people.

27 (3) In formation of a herd district the entire holding of any owner or lessee must be included unless

28 the owner or lessee consents that less than the owner or lessee's entire contiguous holdings be included in the



**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 petition.

2 (4) The petition must designate the months of the year when the herd district is effective, and upon  
3 presentation and filing of the petition, properly signed, giving the outside boundaries and description of the  
4 proposed district and the post-office address of the petition signers, with the clerk and recorder in the county in  
5 which the district is being created, the county commissioners of that county, upon receipt of the petition, shall  
6 set a date for hearing protests and verifying the petition signatures and shall give not less than 20 days' notice  
7 of the hearing by ~~three publications in a newspaper of general circulation in the county of the proposed district~~  
8 ~~publication as provided in 7-1-2121~~. At the hearing held pursuant to the notices, the county commissioners shall  
9 examine the petition and shall cause a map to be made in order to determine the shape and regularity of the  
10 boundaries of the proposed district. The commissioners may then establish the district, but the district shall be  
11 established only in a manner that the district will be reasonably regular and symmetrical in shape or practicable  
12 in relation to the geographical features of the district. It is not required that the boundaries of a district follow  
13 section lines to meet the requirement of reasonably regular and symmetrical boundaries.

14 (5) Should it appear to the county commissioners after the hearing that the signatures attached to the  
15 petition were genuine, they shall immediately declare the herd district created and established. After making the  
16 declaration, the county commissioners shall give notice by ~~four weekly publications in a newspaper nearest the~~  
17 ~~district of the creation of the district, also publication as provided in 7-1-2121 stating that states~~ the period that  
18 the district will be in effect. A district may not be in effect until 30 days have expired after the order.

19 (6) If the signature of lessee appears on the petition creating or abolishing any herd district, the owner  
20 or owners of the land may appear either in person or by agent and enter their protest and the board of county  
21 commissioners shall remove the name of the lessee from the petition, and a person may not withdraw the  
22 person's name after the hour set for hearing the protest."

23

24 **Section 71.** Section 81-4-302, MCA, is amended to read:

25 **"81-4-302. Dissolution.** (1) When a petition praying that any established herd district be dissolved is  
26 filed with the county clerk and recorder of the county ~~wherein such where the~~ district ~~has been was~~ established  
27 and ~~it is set forth therein that such the~~ petition is signed by the owners or possessors of 55% or more of the  
28 lands lying within such district and that less than 25% of the lands included in such district is in actual

**Commented [HT22]:** Reduces required number of publication from 3 to 2 (twice is required in 7-1-2121).  
Subsection (5) also has issues with the timeline.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

PD 0012

67th Legislature

1 cultivation, the ~~said~~ county clerk and recorder shall call ~~such the~~ petition to the attention of the board of county  
2 commissioners of the county at its next regular meeting. At ~~said the~~ meeting ~~by its order~~ the board shall set  
3 ~~such a hearing on the~~ petition ~~for hearing~~ at a specified time on a day certain, ~~of which notice shall be given and~~  
4 ~~the board shall give notice of the hearing~~ by publication ~~as provided in 7-1-2121~~ at least once in each week for  
5 3 successive weeks ~~in some newspaper of general circulation in the county.~~

Commented [HT23]: Timeline questions - see section above.

6 (2) At the time fixed for hearing, the board of county commissioners shall first require proof of  
7 publication of the notice of ~~said the~~ hearing to be made and ~~thereafter then~~ shall consider the petition and hear  
8 all interested parties. At the conclusion of ~~any such the~~ hearing, if the board of county commissioners shall  
9 ~~find finds~~ that notice of hearing has been given in the manner and for the time prescribed ~~herein by subsection~~  
10 ~~(1)~~ and that the owners or possessors of 55% or more of the lands lying within such herd district have signed  
11 the petition and request that ~~such the~~ district be dissolved and that less than 25% of the lands included in ~~such~~  
12 ~~the~~ district are in actual cultivation, then the board shall ~~forthwith spread such report its~~ findings ~~upon in~~ its  
13 minutes and ~~thereupon~~ shall enter an order ~~in terms~~ that by reason of ~~such the~~ findings and ~~of~~ the proceedings  
14 ~~had upon such petition~~ the herd district is ~~thereby~~ dissolved. ~~Forthwith, upon Upon~~ the ~~making and~~ entry of any  
15 ~~such the~~ order ~~aforsaid~~, the herd district ~~affected thereby shall be is~~ dissolved ~~for all purposes thereafter.~~"

16  
17 **Section 72.** Section 81-4-305, MCA, is amended to read:

18 **"81-4-305. Changing time when herd districts will be in effect -- petition -- notice -- hearing.** The  
19 time of year or period when any herd district ~~heretofore or hereafter~~ created under ~~the provisions of~~ the laws of  
20 this state is effective or will be in effect may be changed as ~~herein provided in this subsection, by the board of~~  
21 ~~county commissioners of the county in which such herd district has been created, upon the presentation and~~  
22 ~~filing with the clerk and recorder of such county a petition signed by the~~ The owners or possessors of 55% of  
23 the land in ~~such a herd~~ district may sign a petition and present the petition for filing with the clerk and recorder  
24 of the county. ~~Such The~~ petition ~~shall must~~ designate the months of the year when ~~such the~~ herd district is  
25 effective and designate the contemplated change. Upon ~~receipt thereof the filing of the petition by the clerk and~~  
26 recorder of the county in which the herd district has been created, the county commissioners ~~of such county~~  
27 shall set a date for hearing protests and verifying the signatures ~~thereto attached to the petition~~ and shall give  
28 not less than 20 days' notice of the same hearing by posting five notices of hearing in five public places in the

Unofficial Draft Copy

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

PD 0012

67th Legislature

1 county, one of which shall must be at the place such the hearing is to be held and at least two of such the  
2 notices to must be posted within such the herd district. Should it appear to the board of county commissioners  
3 after such the hearing that the signatures attached to such petition are genuine, they shall immediately make an  
4 order changing the period of time such the herd district will be in effect, as designated in such the petition; after  
5 which the county commissioners must give notice by ~~four weekly publications in some newspaper in the county~~  
6 ~~nearest such district, publication as provided in 7-1-2121 stating that states~~ the period such the district will be in  
7 effect. The change of time shall may not become effective until such the notice has been published as herein  
8 provided. Upon the ~~fourth publication of such completion of~~ notice, such the change of time shall becomes  
9 effective and violation thereof of the laws concerning herd districts shall must be punished as provided under the  
10 laws of the state of Montana relative to herd districts."  
11

Commented [HT24]: Timeline questions - see sections above.

12 Section 73. Section 81-4-310, MCA, is amended to read:

13 "81-4-310. Annexation into existing herd district. (1) Owners or possessors of land that is  
14 contiguous to a herd district may petition to have their property annexed to that district. The petition must be  
15 properly signed by the owners or possessors of at least 55% of the affected land and must include the post-  
16 office address of all petition signers. The petition must state the outside boundaries and a description of the  
17 property to be annexed to the existing district. When the petition is filed with the clerk and recorder in the county  
18 in which the existing district lies, the county commissioners of that county shall set a date for hearing protests  
19 and verifying petition signatures. The county commissioners shall provide notice of the hearing by publishing  
20 publication as provided in 7-1-2121 of the hearing date and a list of the properties proposed to be annexed, at  
21 ~~least three times in a newspaper of general circulation in the county,~~ not less than 20 days prior to the hearing  
22 date.

Commented [HT25]: Timeline questions - see sections above.

23 (2) At the hearing held pursuant to subsection (1), the county commissioners shall examine the  
24 petition and have a map drawn up in order to determine the shape and regularity of the boundaries of the  
25 property proposed for annexation. If the county commissioners determine that the boundaries are reasonably  
26 regular and symmetrical in shape in relation to the geographical features of the properties proposed for  
27 annexation, the county commissioners may declare that those properties are annexed into the existing herd  
28 district.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

PD 0012

67th Legislature

1 (3) If the county commissioners declare the properties annexed to the existing herd district, they shall  
2 give notice of the annexation by publication as provided in 7-1-2121 ~~four weekly publications in a newspaper of~~  
3 ~~general circulation in the county~~. Annexation does not become effective until 30 days after the declaration of  
4 annexation is made, as provided in subsection (2)."

Commented [HT26]: Timeline questions - see sections above.

5

6 **Section 74.** Section 81-4-322, MCA, is amended to read:

7 **"81-4-322. Horse herd districts -- size -- location -- petition -- notice and hearing -- abolishment.**

8 (1) Horse herd districts may be created in any county in the state of Montana upon the petition of owners or  
9 possessors of 55% of the land of the district. The district must contain 12 square miles or more lying not less  
10 than 1 mile in width outside of incorporated cities or towns. The petition must designate the months of the year  
11 when horse herd district regulations are effective.

12 (2) Upon presentation and filing of a petition properly signed and reciting the outside boundaries and  
13 description of the proposed district, together with the post-office address of the signers, with the clerk and  
14 recorder in the county in which the the district is being created, the county commissioners of the county upon  
15 receipt of the petition shall set a date for hearing protests and verification of signatures and shall give not less  
16 than 20 days' notice of the hearing by ~~three publications in a newspaper of general circulation in the county of~~  
17 ~~the proposed district publication as provided in 7-1-2121~~. If it appears to the county commissioners, after the  
18 hearing, that the signatures attached to the petition were genuine, they shall immediately make an order  
19 declaring the horse herd district created and established, after which the county commissioners shall give  
20 notice by ~~two weekly publications in some newspaper in the county, nearest the district publication as provided~~  
21 ~~in 7-1-2121~~, stating the period when the horse herd district will be in effect and when the district is not in effect.  
22 The order may not be effective until 30 days have expired after the order.

Commented [HT27]: Timeline questions - see sections above.

23 (3) Herd districts may be abolished at any time upon proceedings as set forth for the establishment of  
24 a herd district.

25 (4) The estimated expense of all publications required by 81-4-321 through 81-4-328 must be paid by  
26 the petitioners, and no part of the expenses may be paid by the county.

27 (5) Upon petition of an owner or possessor of land lying contiguous and adjoining any horse herd  
28 district and upon like hearing and notice as provided in this section, the lands must be included in the horse

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 herd district and become a part of the district.

2 (6) If the signature of a lessee appears on the petition creating or abolishing any horse herd district,  
3 the owner or owners of the land may appear either in person or by agent and enter their protest, and the board  
4 of county commissioners shall remove the name of the lessee from the petition. A person may not be permitted  
5 to withdraw the person's name after the hour set for hearing the petition."  
6

7 **Section 75.** Section 81-4-323, MCA, is amended to read:

8 "**81-4-323. Petition to dissolve horse herd district -- hearing and notice -- order of county**  
9 **commissioners.** When a petition praying that any established horse herd district be dissolved is filed with the  
10 county clerk and recorder of the county ~~wherein such where the~~ district has been established, and ~~it is set forth~~  
11 ~~therein that such the~~ petition is signed by the owners or possessors of 55% or more of the lands lying within  
12 ~~such the~~ district, the county clerk and recorder shall call ~~such the~~ petition to the attention of the board of county  
13 commissioners of the county at its next regular meeting. At ~~said the~~ meeting ~~by its order~~ the board shall set  
14 ~~such the~~ petition for hearing at a specified time on a day certain, ~~of which notice shall~~ Notice of the hearing  
15 must be given by publication as provided in 7-1-2121 at least once in each week, for 3 successive weeks ~~in~~  
16 ~~some newspaper of general circulation in the county~~. At the ~~time fixed for~~ hearing, the board of county  
17 commissioners shall first require proof of publication of the notice of ~~said the~~ hearing ~~to be made and thereafter~~  
18 ~~then~~ shall consider the petition and hear all interested parties. At the conclusion of any ~~such the~~ hearing, if the  
19 board of county commissioners ~~shall find~~ finds that notice of the hearing ~~has been~~ was given in the manner and  
20 for the time prescribed ~~herein~~ and that the owners or possessors of 55% or more of the lands lying within ~~such~~  
21 ~~the~~ herd district have signed the petition and request that such district be dissolved, then the ~~said~~ board shall  
22 ~~forthwith spread such~~ record the findings upon in its minutes and ~~thereupon shall~~ enter an order ~~in terms~~ that by  
23 reason of ~~such the~~ findings and ~~of the proceedings, had upon such petition~~ the ~~said~~ horse herd district is  
24 ~~thereby~~ dissolved. ~~Forthwith upon the making and Upon the~~ entry of any ~~such the~~ order, ~~aforsaid the~~ affected  
25 horse herd district ~~affected thereby shall~~ must be dissolved ~~for all purposes thereafter~~."  
26

27 **Section 76.** Section 81-4-327, MCA, is amended to read:

28 "**81-4-327. Sale of horses -- disposition of proceeds.** (1) Prior to a sale as authorized by 81-4-326,

**Commented [HT28]:** Timeline - this one seems to work. Can revise previous sections if the intent is to keep the timelines.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 the sheriff shall have the horses classified as follows:

2 (a) Class 1 must include:

3 (i) horses not bearing a registered brand and that in the opinion of the stock inspector are of a value  
4 not to exceed \$10 per head; and

5 (ii) horses bearing a registered brand but that the owner has failed to redeem as provided in this part,  
6 after notice given, and that in the opinion of the stock inspector are of a value not to exceed \$10 per head.

7 (b) Class 2 must include horses bearing registered brands and that in the opinion of the stock  
8 inspector are of a value in excess of \$10 per head.

9 (2) Horses in class 1 must be sold on 10 days' notice posted at the courthouse of each county in  
10 which any portion of the district lies and posted in three other public places in the county, one of which must be  
11 in that portion of the district included in the county.

12 (3) Horses in class 2 must be sold on notice ~~published as provided in 7-1-2121 and~~ posted for 21  
13 days and ~~otherwise as notices are required to be posted~~ noticed as required for the sale of horses in class 1.  
14 ~~and the notice must be published once a week for 2 successive weeks before the sale in some newspaper~~  
15 ~~published in the county seat of each county that includes any part of the district, if there is a newspaper, and if~~  
16 ~~there is no newspaper published in any county comprising a part of the district, the notice must be published in~~  
17 ~~any newspaper of general circulation in the county or counties that include the district.~~ The notice required to be  
18 published for the sale of horses in class 2 must describe each horse to be sold, giving the approximate age,  
19 description, and brands, if any. The proceeds of the sale must be applied by the sheriff to the discharge of the  
20 claim and the costs of the proceedings in selling the property and enforcing the claim, and the remainder, if any,  
21 must be deposited with the county treasurer who shall keep the same in a special fund to be designated as the  
22 "horse herd district fund", giving the number of ~~district~~ districts if there is more than one district.

23 (4) A separate fund of the type specified in subsection (3) must be kept by the county treasurer for  
24 each of the districts created in that county. The county treasurer shall make a record of the description of each  
25 horse, the amount received for the horse, and the amount of deductions. The record must be open to public  
26 inspection, and any person making claim of ownership of a horse to the board of county commissioners at any  
27 time within 1 year from the date of sale and submitting proof of ownership to the board with the claim to the  
28 satisfaction of the board is entitled to receive the excess received from the sale of that horse. Any money

**Commented [HT29]:** Should this language be kept in some way to account for multiple counties needing to publish notice?

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 received from the sale of a horse that is not claimed within 1 year after the sale must at the expiration of that  
2 period be transferred to the general fund of the county."

3

4 **Section 77.** Section 81-4-504, MCA, is amended to read:

5 **"81-4-504. Notice of holding roundup -- publication -- form.** Notice of the roundup shall be given  
6 by the board of county commissioners at least 30 days before the date when the roundup begins. The notices  
7 ~~shall must~~ be published as provided in 7-1-2121 at least once a week for 3 successive weeks ~~in some~~  
8 ~~newspaper of general circulation, printed and published in the county in which the roundup is to be held, if a~~  
9 ~~newspaper of this type is printed and published in the county.~~ The notice shall must be posted in at least five  
10 public places outside of the county seat of the county on public highways in the county or district, as the case  
11 may be, ~~in which~~where the roundup is to be held. Three notices shall be posted in three public places in the  
12 county seat. One of the notices shall be posted at the front door of the courthouse. The notices posted outside  
13 of the county seat are to be posted not less than 2 miles apart, and all posted notices are to be posted at least  
14 20 days before the date on which the roundup begins as stated in the notice. ~~If no newspaper is printed and~~  
15 ~~published in the county, publication in a newspaper is not required.~~ At least 20 days before the date on which  
16 the roundup is to begin, a copy of the notice shall be filed with the department by the clerk of the board of  
17 county commissioners."

18

19 **Section 78.** Section 81-4-510, MCA, is amended to read:

20 **"81-4-510. Notice of sale of abandoned horses -- form -- time of sale -- title.** (1) Before a sale  
21 may be held, at least 10 days' notice must be given by publication as provided in 7-1-2121 and posting in the  
22 manner specified in 81-4-504, except that publication, if made in a newspaper, must be once each week for 2  
23 successive weeks, and posting must be done at least 5 days before the date of sale. The notice must be in  
24 substantially the following form:

25 NOTICE OF SALE OF ABANDONED HORSES

26 Notice is given that on .... day, the .... day of ...., 20..., at .... in the county of ....., state of Montana,  
27 beginning at the hours of ....m., the following described abandoned horses will be sold at public auction to the  
28 highest bidder for cash:

Commented [HT30]: Ok, since it offers "if"?

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 (Give general description of horses to be sold by brand, if any, color, approximate weight, and  
2 estimated age.)

3 Any horses not reclaimed before sale as provided by law and for which no bid is made at the sale will  
4 be destroyed or otherwise disposed of in the discretion of the board of county commissioners of .... County,  
5 state of Montana.

6 Dated the .... day of ....., 20...

7 By order of the board of county commissioners of .... County, Montana.

8 By ....., clerk of the board.

9 (2) All sales must be held between the hours of 8 a.m. and 6 p.m. and may be continued from time to  
10 time until all abandoned horses taken in the roundup have been disposed of. On payment of the price bid for  
11 any horse sold, the delivery of the horse, with a bill of sale, vests the title to the horse in the purchaser."  
12

13 **Section 79.** Section 85-3-424, MCA, is amended to read:

14 **"85-3-424. Declaration of emergency -- hearing -- determination of need for weather**  
15 **modification operation.** (1) After receiving a petition requesting an operation to increase precipitation, initiate  
16 precipitation, or suppress hail and bearing the signatures of at least 50 registered electors of the county, the  
17 commissioners of an authority shall, within 15 days after receiving the petition, publish notice as provided in 7-  
18 1-2121 of a public hearing on the request at least once in a newspaper of general circulation published within  
19 the county and conduct the hearing.

20 (2) If after the hearing a majority of the commissioners finds that a weather emergency exists  
21 requiring such an operation, the authority may proceed with the activities needed to initiate and conduct the  
22 requested operation."  
23

24 **Section 80.** Section 90-5-104, MCA, is amended to read:

25 **"90-5-104. Hearing.** (1) Prior to the issuance of any bonds under the authority of this part by any  
26 municipality or county to pay the costs of acquiring or improving a project, the governing body shall give notice  
27 and hold a public hearing on the proposed project. At least once a week for For 3 consecutive weeks prior to  
28 the date set for the hearing, the governing body shall publish in a newspaper of general circulation in the



**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

PD 0012

67th Legislature

1 ~~municipality or county~~as provided in 7-1-2121 or 7-1-4127 a notice of the time and place of the hearing, the  
2 general nature of the project, the name of the lessee, borrower, or user of the project, and the estimated cost of  
3 the project. The governing body may not issue the bonds to pay the costs of acquiring or improving a project  
4 unless it appears after the public hearing that the acquisition or improvement of the project is in the public  
5 interest of the municipality or county.

6 (2) The provisions of subsection (1) do not apply to refunding bonds issued under 90-5-107 to refund  
7 bonds issued to pay the costs of acquiring or improving a project as to which a hearing was held under  
8 subsection (1)."

9  
10 **Section 81.** Section 90-6-307, MCA, is amended to read:

11 **"90-6-307. Impact plan to be submitted.** (1) After an application for a permit for a large-scale  
12 mineral development is made under 82-4-335, the person seeking the permit shall submit to the affected  
13 counties and the board an impact plan describing the economic impact the large-scale mineral development will  
14 have on local government units and shall file proof of the submission to the counties with the board. Whenever  
15 an environmental impact statement on the permit application is prepared under 75-1-201, the lead agency shall  
16 cooperate to the fullest extent practicable with the affected local government units to eliminate duplication of  
17 effort in data collection. The governing bodies of the affected counties shall publish notice as provided in 7-1-  
18 2121 of the submission of an impact plan at least once in a newspaper of general circulation in the county. The  
19 mineral developer and the affected local government units shall ensure that the impact plan includes:

20 (a) a timetable for development, including the opening date of the development and the estimated  
21 closing date;

22 (b) the estimated number of persons coming into the impacted area as a result of the development;

23 (c) the increased capital and operating cost to local government units for providing services that can  
24 be expected as a result of the development;

25 (d) the financial or other assistance that the developer will give to local government units to meet the  
26 increased need for services.

27 (2) In the impact plan, the developer shall commit itself to pay all of the increased capital and net  
28 operating cost to local government units that will be a result of the development, as identified in the impact plan,

**Commented [HT31]:** Increases number of times required to twice if the county chooses a newspaper.

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 whether from tax prepayments, as provided in 90-6-309, special industrial local government facility impact  
2 bonds, as provided in 90-6-310, or other funds obtained from the developer, and shall provide a time schedule  
3 within which it will do so. The plan may provide for funding from other revenue sources or funding mechanisms  
4 if the developer guarantees that the amount to be provided from these sources will be paid.

5 (3) Upon request of the governing body of an affected unit of local government, the mineral  
6 developer, prior to the end of the 90-day review period, shall provide financial or other assistance as necessary  
7 to prepare for and evaluate the impact plan. The governing body of the affected county shall contract with the  
8 developer to obtain the requested financial assistance for each unit of local government within the county. Any  
9 disbursements to a unit of local government under this subsection must be credited against future tax liabilities,  
10 if any.

11 (4) The governing body of the county where the fiscal impacts on local government units are  
12 forecasted in the impact plan to be most costly shall, within 90 days after receipt of the impact plan from the  
13 developer, conduct a public hearing on the impact plan.

14 (5) An affected local government unit that has not been identified in an impact plan submitted to the  
15 board as being likely to experience increased capital and operating costs for providing services that can be  
16 expected as a result of the development may object to the impact plan under the provisions of this section if the  
17 local government unit clearly demonstrates that it is likely to experience increased capital and operating costs  
18 from the mineral development.

19 (6) An affected local government unit shall, within 90 days after receipt of the impact plan from the  
20 developer, notify the board in writing if that local government unit objects to the impact plan, specifying the  
21 reasons for the objection. During the 90-day period, an affected local government unit may petition for one 30-  
22 day extension by submitting a written request to the board stating the need and justification for the extension.  
23 The board shall grant the extension unless it finds that there is no reasonable basis for the request. If an  
24 objection is not received within the 90-day period or any extension of the period, the impact plan is approved  
25 without any review by the board. An approved plan is binding and may only be altered under the amendment  
26 provisions of 90-6-311.

27 (7) If objections are received from a local government unit, the board shall, within 10 days, notify the  
28 developer and forward a copy of the local government unit's objections to the developer. The local government

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 unit and the developer have 30 days, or a longer period if both the local government unit and the developer  
2 request an extension, to resolve the objection. If the objections are not resolved, the board shall conduct a  
3 hearing on the validity of the objections. The hearing must be held in the affected county or, if objections are  
4 received from local government units in more than one county, must be held in the county which, in the board's  
5 judgment, is more greatly affected. The provisions of the Montana Administrative Procedure Act apply to the  
6 conduct of the hearing. The impact plan filed by the developer does not carry a presumption of correctness at  
7 the hearing.

8 (8) Following the hearing, the board shall, within 60 days, make findings as to those portions of the  
9 impact plan that were objected to and, if appropriate, amend the impact plan accordingly. The findings and  
10 impact plan, as amended, must be served by the board upon all parties. A local government unit or the  
11 developer, if aggrieved by the decision of the board, is entitled to judicial review, as provided by Title 2, chapter  
12 4, part 7, in the district court in and for the judicial district in which the hearing was held.

13 (9) The developer shall, within 30 days of receipt of the approved impact plan, provide the board with  
14 a written guaranty that the developer will meet the increased costs of public services and facilities as specified  
15 in the approved impact plan and according to the time schedule contained in the approved impact plan.

16 (10) The developer may make payments as specified in the approved impact plan directly to a local  
17 government unit or to the board. The governing body of a local government unit receiving payments shall  
18 deposit the payments into an impact fund. The developer and the affected governing body shall each issue to  
19 the board written verification of each payment and its intended use in compliance with the impact plan. The  
20 board shall deposit payments received from a developer into the hard-rock mining impact account established  
21 by 90-6-304.

22 (11) The board shall notify the department of environmental quality of its receipt of the written guaranty  
23 of payment and of any failure of the developer to comply with this section.

24 (12) Upon receipt of evidence that an affected local government unit identified in the approved impact  
25 plan is providing or is preparing to provide an additional service or facility provided for in the approved impact  
26 plan, the board shall, if the hard-rock mining impact account is used to deliver payments to the local  
27 government unit, pay to that local government unit, in one sum or in parts, the money from the hard-rock mining  
28 impact account identified in the plan as the increased cost to the local government unit of providing that public

**Unofficial Draft Copy**

As of: 2022/04/21 06:45:27

Drafter: Toni Henneman, 406-444-3593

67th Legislature

PD 0012

1 service or facility.

2 (13) If it is determined that an objection filed by an affected local government unit under subsections  
3 (5) and (6) or 90-6-311(3) is valid and it results in some remedial order by the board or court of competent  
4 jurisdiction, the local government unit must be awarded and the developer shall pay reasonable costs and  
5 attorney fees associated with any administrative or judicial appeals filed under this section. Any attorney fees  
6 and costs awarded are in addition to any amounts paid by the developer under this part.

7 (14) Upon a determination by the department of environmental quality that a permittee under 82-4-335  
8 has become or will become a large-scale mineral developer, the permittee may petition the board for a waiver  
9 of the impact plan requirement. The board may grant a waiver or conditional waiver of this requirement only if it  
10 has provided notice and opportunity for hearing to the permittee and to all affected local government units. The  
11 board shall adopt criteria under which a waiver may be granted. A waiver issued by the board may be revoked  
12 as provided in the conditional waiver or if the permittee and contractors at the mineral development increase  
13 their payrolls from the date of the waiver by 75 or more persons. However, any revocation must be requested  
14 by an affected local government unit, and notice and opportunity for hearing must be given to the permittee and  
15 all affected local government units. The board shall notify the board of land commissioners of any waiver that  
16 has been revoked.

17 (15) When a person who holds an operating permit under 82-4-335 and who has filed an impact plan  
18 fails to comply with the review and implementation requirements in this part and part 4 of this chapter, the board  
19 shall certify to the board of land commissioners that the failure to comply has occurred and shall certify when a  
20 permittee who has previously failed to comply comes into compliance."

21

22

- END -