

1 **** BILL NO. ****

2 INTRODUCED BY ****

3 BY REQUEST OF THE ****

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COUNTY AND MUNICIPAL PUBLIC NOTICE

6 REQUIREMENTS; ALLOWING A LOCAL GOVERNMENT TO PUBLISH PUBLIC NOTICE ON A NOTICE

7 WEBSITE; ESTABLISHING PROCEDURES AND REQUIREMENTS FOR PUBLISHING PUBLIC NOTICE ON

8 A NOTICE WEBSITE; REMOVING REQUIREMENTS FOR A COUNTY TO PUBLISH PUBLIC NOTICE IN AN

9 ADJACENT COUNTY IF THE COUNTY DOES NOT HAVE A QUALIFIED NEWSPAPER; AND AMENDING

10 SECTIONS 7-1-2121, 7-1-4127, 7-2-2606, 7-2-4405, 7-3-148, 7-3-186, 7-3-191, 7-3-1211, 7-3-4213, 7-3-4374,

11 7-3-4443, 7-3-4448, 7-4-2310, 7-5-2123, 7-6-1534, 7-6-2605, 7-6-4502, 7-7-2252, 7-7-2268, 7-7-4252, 7-7-

12 4268, 7-7-4434, 7-8-105, 7-8-2604, 7-10-221, 7-11-306, 7-12-2115, 7-12-2174, 7-12-4118, 7-12-4206, 7-13-

13 2349, 7-14-2128, 7-14-2822, 7-14-4615, 7-15-4237, 7-15-4507, 7-31-108, 7-31-113, 7-31-4205, 7-32-2233, 7-

14 34-2204, 7-34-2303, 13-1-108, 13-2-301, 13-2-402, 13-3-105, 13-15-105, 13-17-203, 15-15-101, 61-2-106, 61-

15 12-402, 67-11-103, 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-

16 503, 76-3-605, 80-8-120, 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-

17 4-510, 85-3-424, 90-5-104, AND 90-6-307, MCA."

18

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

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

21 **"7-1-2121. Publication and content of notice -- proof of publication -- alternative electronic**

22 **publication.** (1) Unless otherwise specifically provided by law and except as provided in 13-1-108, whenever a

23 local government unit other than a municipality is required to give notice by publication, this section applies.

24 (2) Except as allowed in subsection (11), ~~Publication~~publication must be in a newspaper meeting the

25 qualifications of subsections (3) and (4), except that in a county where a newspaper does not meet these

26 qualifications, ~~publication must be made in a qualified newspaper in an adjacent county. If there is no qualified~~

27 ~~newspaper in an adjacent county~~, publication must be made by posting the notice in three public places in the

28 county, one of which may be the county's website if the county has an active website, designated by resolution

1 of the governing body.

2 (3) (a) The newspaper must:

3 (i) be of general circulation;

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

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

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

7 includes:

8 (A) circulation for the prior 12 months;

9 (B) a statement of net distribution;

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

11 (D) the method of distribution.

12 (b) A newspaper of general circulation does not include a newsletter or other document produced or

13 published by the local government unit.

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

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

18 (6) Except as provided in subsection (11), The notice must be published twice, with at least 6 days
19 separating each publication.

20 (7) The published notice must contain:

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

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

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

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

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

28 (9) Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher,

1 printer, or clerk of the newspaper or of the person posting the notice or as allowed in subsection (11)(f).

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

8 (11) A local government unit may publish notices required in this section and required by other laws of
9 this state on a notice website if the local government unit:

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

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

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

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

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

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

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

22 (c) actively maintains the notice on the notice website for at least fourteen days or as otherwise
23 required by law;

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

27 (e) provides a conspicuous statement, which includes the telephone number of the local government
28 unit, on its notice website that individuals who have difficulty accessing the contents of posted notices may

1 contact the local government unit for information regarding alternative methods of accessing notices; and

2 (f) memorializes the posting of the notice by capturing the posting in electronic or paper format and

3 completing an affidavit that:

4 (i) is signed by the person responsible for posting the notice;

5 (ii) states that the local government unit satisfied the publication requirements of this section;

6 (iii) specifies the active dates of the notice posted to the notice website, the specific statutory
7 requirements being satisfied by the notice, and the notice website address where the notice was located,

8 including the full URL used for the posting of the notice;

9 (iv) is retained by the local government unit for a period of three years.

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

13 (13) A failure to cause the newspaper advertisement required in subsection (11)(b) does not void the
14 action of the local government unit or affect the enforceability of the matter published in the notice.

15 (14) As used in this section, "notice website" means an internet website that is maintained by a local
16 government unit that contains links to the public notices electronically published by the local government unit as
17 allowed in subsection (11)."

18

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

20 **"7-1-4127. Publication of notice -- content -- proof -- alternative electronic publication.** (1)

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

25 (2) The newspaper must:

26 (a) be of general circulation;

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

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

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

2 (i) circulation for the prior 12 months;

3 (ii) a statement of net distribution;

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

5 (iv) the method of distribution.

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

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

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

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

14 (7) Except as allowed in subsection (12), Thethe notice must be published twice, with at least 6 days
15 separating each publication.

16 (8) The published notice must contain:

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

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

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

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

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

24 (10) Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher,
25 printer, or clerk of the newspaper or of the person posting the notice or as allowed in subsection (12).

26 (11) If the newspaper fails to publish a second notice as required in subsection (7), the municipality
27 must be considered to have met the requirements of this section as long as the municipality submitted the
28 required information prior to the submission deadline and the notice was posted in three public places in the

1 municipality that were designated by ordinance and, if the municipality has an active website, was posted on
2 the municipality's website at least 6 days prior to the hearing or other action for which notice was required.

3 (12) A municipality may publish notices required in this section and required by other laws of this state
4 on a notice website if the municipality:

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

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

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

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

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

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

15 (v) provides the full uniform resource locator (URL) of the notice website address, the full URL of the
16 address where the full notice may be directly viewed, and the telephone number for the municipality;

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

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

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

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

27 (i) is signed by the person responsible for posting the notice;

28 (ii) states that the municipality satisfied the publication requirements of this section;

1 (iii) specifies the active dates of the notice posted to the notice website, the specific statutory
2 requirements being satisfied by the notice, and the notice website address where the notice was located,
3 including the URL used for the posting of the notice;

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

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

8 (14) A failure to cause the newspaper advertisement required in subsection (12)(b) does not void the
9 action of the municipality or affect the enforceability of the matter published in the notice.

10 (15) As used in this section, "notice website" means an internet website that is maintained by a
11 municipality that contains links to the public notices electronically published by the municipality as allowed in
12 subsection (12)"

13
14 **Section 3.** Section 7-2-2606, MCA, is amended to read:

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

20 (2) In the notice provided for in this section, the place selected to be the county seat of the county
21 must be so declared from a day specified in the notice, not more than 90 days after the election. After the day
22 named in the notice, the place chosen is the county seat of the county."
23

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

25 **"7-2-4405. Notice of resolution -- protest period.** The clerk of the municipality shall forthwith cause
26 to be published ~~in the newspaper nearest such land as provided in 7-1-4127~~, at least once a week for 2
27 successive weeks, a notice that such resolution has been duly and regularly passed and that for a period of 20
28 days after the first publication of such notice, such clerk will receive expressions of approval or disapproval, in

1 writing, of the proposed alterations of the boundaries of the municipality. Said notice shall also state the time
2 and place set for the public hearing on the proposed annexation."
3

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

5 **"7-3-148. Publication of summary and comparison.** (1) A summary of the recommendations
6 contained in a petition proposing alteration of an existing form of local government must be published ~~at least~~
7 ~~twice in a newspaper of general circulation in the local government as provided in 7-1-2121 or 7-1-4127.~~

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

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

12 (3) The cost of publication required by this section shall be borne by the affected local government."
13

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

15 **"7-3-186. Study commission timetable.** (1) Each local government study commission shall, within
16 90 days of its organizational meeting, establish a timetable for its deliberations and actions. The timetable must
17 be published ~~in a local newspaper of general circulation as provided in 7-1-2121 or 7-1-4127.~~ The timetable
18 may be revised, but each revision must be republished.

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

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

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

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

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

1 adopted."

2

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

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

9

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

11 **"7-3-1211. Treatment of existing ordinances.** The commission first elected may, at its first meeting,
12 make an order that all existing ordinances and resolutions of some one city or town within the consolidated
13 municipality which are of general application in such city or town shall be continued in force and be extended
14 throughout the consolidated municipality, and a copy of such order must be published at least once ~~in each~~
15 newspaper printed and published within the by the consolidated municipality as provided in 7-1-4127 within 10
16 days after the making of such order. All other ordinances and resolutions of such city or town and all ordinances
17 of all other cities and towns within the consolidated municipality, save and except ordinances and resolutions
18 relating to public improvements to be paid for in whole or in part by special assessments, shall, upon the
19 making of such order, be deemed repealed."

20

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

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

1 weeks ~~in each weekly newspaper published in the city as provided in 7-1-4127~~. A copy of the proclamation
2 must be posted at each voting place within the city and in at least 10 of the most public places in the city.

3 (2) The election must be conducted, the vote must be canvassed, and the result must be declared in
4 the same manner as provided by law in respect to other city elections."
5

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

7 **"7-3-4374. Details of public advertising or publication.** All public advertising or publication
8 mentioned as being necessary under the provisions of this part or part 44 shall be in a daily newspaper of
9 general circulation within the municipality if there ~~be such~~ is a daily newspaper or, otherwise, in a weekly
10 newspaper published therein, and shall be done by contract, or in a journal published by the municipality, as
11 may be determined by ordinance as provided in 7-1-2121 or 7-1-4127. If such Any contract shall be ~~with a~~
12 ~~newspaper, it shall be~~ entered into only after opportunity has been given for competition under such rules as
13 the commission may establish and for a term not longer than 1 year."
14

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

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

19 (2) The director shall cause written notice of the determination to be given to the owner of each lot or
20 parcel of land to which connections are to be made. The notice must state the number and character of
21 connections required. The notice must be served by a person designated by the director of public service, in the
22 manner provided for the service of summons in civil actions. Nonresidents of the municipality or persons who
23 cannot be found may be served by one publication of the notice in a daily newspaper of general circulation in
24 the municipality if there is a newspaper and, if not, ~~by one publication in a weekly newspaper as provided in 7-~~
25 1-4127. The notice must state the time within which the connections must be constructed, and if they are not
26 constructed within the time, the work may be done by the municipality and the cost of the connections, together
27 with a penalty of 5%, assessed against the lots and lands for which the connections are made. However, the
28 city commission may in its discretion order and direct that the cost of making any connection by the municipality

1 may be assessed without penalty and may be paid in annual installments over a period of not to exceed 8
2 years, together with interest on the cost at a rate not to exceed 6% a year payable annually on the deferred
3 payments. The assessments must be certified and collected as other assessments for street improvements.
4 The actual work of making the connections must be done under regulations that are provided for by ordinance."

5

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

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

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

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

22

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

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

28 (2) Whenever an order consolidating two or more offices is made, the order shall be entered in full on

1 the board's minutes of proceedings.

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

5

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

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

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

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

23

24 **Section 15.** Section 7-6-1534, MCA, is amended to read:

25 **"7-6-1534. Resort area district -- notice of petition -- hearing required.** (1) The board of county
26 commissioners shall publish the text of the petition described in 7-6-1533, as provided in 7-1-2121, in each
27 county in which the proposed resort area district lies and shall publish the date, time, and place that a public
28 hearing on the petition will be held.

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

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

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

9
10 **Section 16.** Section 7-6-2605, MCA, is amended to read:

11 **"7-6-2605. Call for payment of warrants drawing interest.** (1) When there is sufficient money to
12 pay the warrants drawing interest, the treasurer shall give notice as provided in 7-1-2121 that the warrants are
13 able to be paid.

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

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

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

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

25
26 **Section 17.** Section 7-6-4502, MCA, is amended to read:

27 **"7-6-4502. Call for payment of warrants drawing interest.** (1) Except as provided in subsection (2),
28 when there is money in the city or town treasury applicable to the payment of any warrants drawing interest and

1 sufficient to pay the warrants, the city treasurer or town clerk shall:

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

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

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

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

15 **Section 18.** Section 7-7-2252, MCA, is amended to read:

16 **"7-7-2252. Publication of notice of sale of bonds.** If a county conducts a public sale, the board of
17 county commissioners shall publish notice of the bond sale ~~in the official newspaper of the county~~ as provided
18 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
19 financial newspapers published in the city of New York or Chicago."
20

21 **Section 19.** Section 7-7-2268, MCA, is amended to read:

22 **"7-7-2268. Redemption of bonds.** (1) Whenever there is available money in any sinking and interest
23 fund over and above the amount required for payment of principal and interest becoming due on the next
24 interest payment date and sufficient to pay and redeem one or more outstanding bonds, or principal
25 installments in the case of amortization bonds, of the issue or series to which the sinking and interest fund
26 belongs, which bonds are not yet due but are then redeemable or will become redeemable on or before the
27 next interest payment date, the county treasurer shall apply the available money in redemption of as many of
28 the bonds, or principal installments in the case of amortization bonds, as the available money will pay and

1 redeem to a redemption date on or before the next interest payment date, as fixed by the county treasurer.

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

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

19 **Section 20.** Section 7-7-4252, MCA, is amended to read:

20 **"7-7-4252. Publication of notice of sale.** If a city or town conducts a public sale, the city or town
21 council or commission shall cause a notice to be published as provided in 17-5-106 ~~in a newspaper of general~~
22 ~~circulation printed and published in the city or town if there is a newspaper of general circulation and, if not,~~
23 ~~then in a newspaper of general circulation printed and published in the county in which the city or town is~~
24 ~~located and 7-1-4127.~~ The council or commission may in its discretion cause the notice to be published in
25 another newspaper or newspapers published either within or outside of the state that in the opinion of the
26 council or commission will be most likely to give notice of the sale to prospective bidders."

27 **Section 21.** Section 7-7-4268, MCA, is amended to read:

28 **"7-7-4268. Redemption of bonds.** (1) Whenever there is available money in any sinking and interest

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

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

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

23

24 **Section 22.** Section 7-7-4434, MCA, is amended to read:

25 **"7-7-4434. Notice of sale of bonds.** The notice of sale of bonds required by 7-7-4433(2) for bonds
26 sold publicly must be published as provided in 7-1-4127 once at least 5 days prior to the sale ~~in a newspaper of~~
27 ~~general circulation in the state~~, and the governing body may publish the notice or summary of the notice in a
28 financial newspaper published in the city of New York, Chicago, or San Francisco."

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Section 23. Section 7-8-105, MCA, is amended to read:

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

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

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

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

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

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

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

(e) that, at least 10 days prior to the time fixed for the destruction, return, donation, or sale at public auction of unclaimed property, notice of the planned disposal must be given by publication one time ~~in a~~ newspaper of general circulation as provided in 7-1-2121 or 7-1-4127; and

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

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

Section 24. Section 7-8-2604, MCA, is amended to read:

"7-8-2604. Procedure for sale of timber or other crops. (1) Subject to the requirements of subsection (2), the board of county commissioners may sell the timber crop and other crops of county forests under such rules as it may establish. The board may reject any or all bids, or it may award the sale to the

1 highest responsible bidder.

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

6

7 **Section 25.** Section 7-10-221, MCA, is amended to read:

8 **"7-10-221. Notice of sale of bonds.** The notice of sale of bonds required by 7-10-220(2) for bonds
9 sold publicly must be published once at least 5 days prior to the sale ~~in a newspaper of general circulation in~~
10 ~~the state~~ as provided in 7-1-2121, and the regional resource authority may publish the notice or summary of the
11 notice in a financial newspaper published in the city of New York, Chicago, or San Francisco."

12

13 **Section 26.** Section 7-11-306, MCA, is amended to read:

14 **"7-11-306. Publication of summary and comparison.** (1) A summary of the recommendations
15 contained in a petition or recommendation and the service plan proposing the consolidation or transfer of a
16 service or activity must be published at least twice ~~in a newspaper of general circulation~~ as provided in 7-1-
17 2121 or 7-1-4127 in each local government affected by the proposal. The publication must be made during the
18 2 weeks preceding the election.

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

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

23

24 **Section 27.** Section 7-12-2115, MCA, is amended to read:

25 **"7-12-2115. Adjournment of hearing.** Whenever ~~in proceedings hereunder~~ a time and place for a
26 hearing by the board of county commissioners is fixed ~~and from any cause for a proceeding related to this part,~~
27 and the hearing is not ~~then and there~~ held or regularly adjourned to a fixed time and place, the power and
28 jurisdiction of the board ~~in the premises shall~~ is not ~~be thereby~~ divested or lost, but the board may proceed anew

1 to fix a time and place for the hearing and cause notice ~~thereof of the hearing~~ to be given by publication ~~by at~~
 2 ~~least one insertion in a daily, semiweekly, or weekly newspaper, such publication to be as provided in 7-1-2121~~
 3 at least 5 days before the date of the hearing. ~~Thereupon~~ At that hearing, the board shall have power to act as
 4 in the first instance."
 5

6 **Section 28.** Section 7-12-2174, MCA, is amended to read:

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

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

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

26 **Section 29.** Section 7-12-4118, MCA, is amended to read:

27 **"7-12-4118. Adjournment of hearings.** Whenever ~~in proceedings hereunder~~ a time and place for a
 28 hearing ~~are is~~ fixed by the city council for a proceeding related to this part and ~~from any cause~~ the hearing is

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

7

8 **Section 30.** Section 7-12-4206, MCA, is amended to read:

9 **"7-12-4206. Redemption of bonds and warrants.** (1) Special improvement district warrants or
 10 bonds must be redeemed on any interest payment date from the proceeds of the bonds or warrants remaining
 11 after payment of all costs of the improvements, as provided in 7-12-4205, or from the prepayment of
 12 assessments levied in the district. Special improvement district bonds or warrants may be otherwise subject to
 13 redemption and prepayment at the option of the city, as provided in the resolution authorizing the issuance of
 14 the bonds.

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

21

22 **Section 31.** Section 7-13-2349, MCA, is amended to read:

23 **"7-13-2349. Establishment of subdistricts.** (1) The board of directors may establish one or more
 24 subdistricts within a district to provide for and finance the cost of water or sewer projects, improvements, or
 25 extensions that would benefit land in the subdistrict but not other land in the district. Before establishing a
 26 subdistrict, the board shall conduct a public hearing on the establishment of the proposed subdistrict after 10
 27 days' notice published ~~in a newspaper of general circulation in the district as provided in 7-1-2121.~~ The notice of
 28 public hearing must contain a description of the subdistrict and the proposed water or sewer project and its

1 estimated cost. After the public hearing, the board of directors may, by resolution, establish the subdistrict if it
2 finds that it is in the best interests of the owners of the land in the subdistrict and the district wishing to establish
3 the subdistrict, that the subdistrict constitutes all land in the district benefited by the proposed water or sewer
4 project, and that the establishment of the subdistrict and the financing of water or sewer projects for the benefit
5 of the subdistrict will not violate any covenants of the district made with owners of outstanding bonds of the
6 district.

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

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

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

19
20 **Section 32.** Section 7-14-2128, MCA, is amended to read:

21 **"7-14-2128. Designation of emergency area near construction project.** (1) A board of county
22 commissioners may designate a portion of a county or state secondary road as an emergency area if increased
23 traffic due to a construction project threatens public safety.

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

28 (3) The board shall remove the emergency designation within 30 days after the cessation of the

1 increased traffic."

2

3 **Section 33.** Section 7-14-2822, MCA, is amended to read:

4 **"7-14-2822. Notice of application to operate ferry.** Every applicant for authority to erect and take
5 tolls on a public ferry must publish notice as provided in 7-1-2121, specifying the location and the time when
6 and place where the application will be made. Publication must be made ~~in~~ at least ~~one newspaper~~ once in
7 each county in which the ferry is or touches ~~or, if there is no newspaper published in the county, then in one~~
8 ~~published in an adjoining county.~~"

9

10 **Section 34.** Section 7-14-4615, MCA, is amended to read:

11 **"7-14-4615. Reports on commission transactions.** The legislative body shall cause:

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

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

18

19 **Section 35.** Section 7-14-4615, MCA, is amended to read:

20 **"7-14-4615. Reports on commission transactions.** The legislative body shall cause:

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

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

27

28 **Section 36.** Section 7-15-4237, MCA, is amended to read:

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

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

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

13

14 **Section 37.** Section 7-15-4237, MCA, is amended to read:

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

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

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

27

28 **Section 38.** Section 7-15-4507, MCA, is amended to read:

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

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

6 (3) The bonds may be sold at a price or prices as determined by the authority."
7

8 **Section 39.** Section 7-15-4507, MCA, is amended to read:

9 **"7-15-4507. Sale of bonds.** (1) Any bonds issued by the authority may be sold at public or private
10 sale as determined by the authority pursuant to 17-5-107. If the authority conducts a public sale, the bonds may
11 be sold after notice published once at least 10 days prior to the sale ~~in a newspaper having a general~~
12 ~~circulation in the city as provided in 7-1-4127~~ and in a financial newspaper.

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

14 (3) The bonds may be sold at a price or prices as determined by the authority."
15

16 **Section 40.** Section 7-31-108, MCA, is amended to read:

17 **"7-31-108. Notice of election.** (1) The board of county commissioners of the county in which ~~such~~
18 ~~the~~ election is to be held or the council of the incorporated city or town, as the case may be, shall give notice of
19 such election, stating:

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

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

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

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

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

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

27 preceding ~~such the~~ election ~~in some newspaper printed and published and circulated in the county, city, or~~

28 ~~town, as the case may be, in which such election shall be held and if no newspaper be printed, published, and~~

1 ~~circulated therein, then in some newspaper printed and published in some county nearest thereto as provided~~
2 ~~in 7-1-2121 or 7-1-4127."~~

3

4 **Section 41.** Section 7-31-113, MCA, is amended to read:

5 **"7-31-113. Disposition of bonds.** (1) The board of county commissioners or council, as the case
6 may be:

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

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

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

17

18 **Section 42.** Section 7-31-4205, MCA, is amended to read:

19 **"7-31-4205. Procedure to close and fill ditch -- notice.** (1) When a public nuisance has been
20 declared, as provided in this part, the city or town shall give public notice for at least 60 days to owners of the
21 ditch and of any water rights affected that such ditch has been declared a public nuisance and that it shall be
22 closed and filled unless the owners of such rights desire to keep the ditch open.

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

26

27 **Section 43.** Section 7-32-2233, MCA, is amended to read:

28 **"7-32-2233. Requests for contract proposals.** (1) A local government seeking to enter into a

1 contract under 7-32-2201 and 7-32-2232 may publish a request for proposals. The request for proposals must
2 be published ~~in a newspaper of general circulation in the county as provided in 7-1-2121~~ once a week for 3
3 successive weeks and must include information concerning the type of detention center services required.

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

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

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

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

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

17

18 **Section 44.** Section 7-34-2204, MCA, is amended to read:

19 **"7-34-2204. Use of county property and funds for health care purposes.** (1) The board of county
20 commissioners may, under the limitations and restrictions prescribed by law, lease county buildings, equipment,
21 furniture, and fixtures for health care facility purposes, with full power of lessor except as limited in this section,
22 upon the terms and conditions that the board may decide upon. The rentals received under the lease or leases
23 must be paid into the general fund of the county.

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

27 (b) The board may not enter into a lease without first ~~having advertised in a newspaper published in~~
28 ~~the county publishing notice as provided in 7-1-2121~~ at least once a week for 5 weeks that the health care

1 facility or designated portion of a health care facility, including equipment if applicable, is for lease for health
2 care purposes.

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

5

6 **Section 45.** Section 7-34-2303, MCA, is amended to read:

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

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

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

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

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

21

22 **Section 46.** Section 13-1-108, MCA, is amended to read:

23 **"13-1-108. Notice of political subdivision elections.** (1) Except as otherwise provided in this
24 section, an election administrator conducting a political subdivision election shall give notice of the election at
25 least three times no earlier than 40 days and no later than 10 days before the election. The notice must be
26 published in a newspaper of general circulation as provided in 7-1-2121 or 7-1-4127 in the jurisdiction where
27 the election will be held or by broadcasting the notice on radio or television as provided in 2-3-105 through 2-3-
28 107. The notice must be given using the method the election administrator believes is best suited to reach the

1 largest number of potential electors. The provisions of this subsection are fulfilled upon the third publication or
2 broadcast of the notice.

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

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

10 **Section 47.** Section 13-2-301, MCA, is amended to read:

11 **"13-2-301. Close of regular registration -- notice -- changes.** (1) The election administrator shall:

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

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

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

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

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

26 **Section 48.** Section 13-2-402, MCA, is amended to read:

27 **"13-2-402. Reasons for cancellation.** The election administrator shall cancel the registration of an
28 elector if:

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

15
16 **Section 49.** Section 13-3-105, MCA, is amended to read:

17 **"13-3-105. Designation of polling place.** (1) The county governing body shall designate the polling

18 place for each precinct no later than 30 days before a primary election. The same polling place must be used

19 for both the primary and general election if at all possible. Changes may be made by the governing body in

20 designated polling places up to 10 days before an election if a designated polling place is not available. Polling

21 places may be located outside the boundaries of a precinct.

22 (2) Not more than 10 days or less than 2 business days before an election, the election administrator

23 shall publish ~~in a newspaper of general circulation in the county as provided in 7-1-2121~~ a statement of the

24 locations of the precinct polling places. The election administrator shall include in the published notice the

25 accessibility designation for each polling place according to the classification in 13-3-207. Notice may also be

26 given as provided in 2-3-105 through 2-3-107.

27 (3) An election administrator may make changes in the location of a polling place if an emergency

28 occurs 10 days or less before an election. Notice must be posted at both the old and new polling places, and

1 other notice may be given by whatever means available.

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

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

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

14 **Section 50.** Section 13-15-105, MCA, is amended to read:

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

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

24 **Section 51.** Section 13-17-203, MCA, is amended to read:

25 **"13-17-203. Publication of information concerning voting systems.** (1) Not more than 10 or less
26 than 2 days before an election at which a voting system will be used by voters, the election administrator shall
27 broadcast on radio or television, as provided in 2-3-105 through 2-3-107, or publish ~~in a newspaper of general~~
28 ~~circulation in the county as provided in 7-1-2121:~~

- 1 (a) except for notice broadcast on radio or television, a diagram showing the voting system to be used
- 2 by voters and a sample of the ballot layout ~~(in newspaper only)~~;
- 3 (b) a statement of the locations where voting systems to be used by voters are on public exhibition;
- 4 and
- 5 (c) instructions on how to vote.
- 6 (2) The election administrator shall select the method of notification that the election administrator
- 7 believes is best suited to reach the largest number of potential electors."

8
9 **Section 52.** Section 15-15-101, MCA, is amended to read:

10 **"15-15-101. County tax appeal board -- meetings and compensation.** (1) The board of county

11 commissioners of each county shall appoint a county tax appeal board, with a minimum of three members and

12 with the members to serve staggered terms of 3 years each. The members of each county tax appeal board

13 must be residents of the county in which they serve.

14 (2) (a) The members receive compensation as provided in subsection (2)(b) and travel expenses, as

15 provided for in 2-18-501 through 2-18-503, only when the county tax appeal board meets to hear taxpayers'

16 appeals from property tax assessments or when they are attending meetings called by the Montana tax appeal

17 board. Travel expenses and compensation must be paid from the appropriation to the Montana tax appeal

18 board.

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

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

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

22 (ii) For the purpose of calculating work hours in this subsection (2)(b), work includes hearing tax

23 appeals, deliberating with other board members, and attending meetings called by the Montana tax appeal

24 board.

25 (3) Office space and equipment for the county tax appeal boards must be furnished by the county. All

26 other incidental expenses must be paid from the appropriation of the Montana tax appeal board.

27 (4) The county tax appeal board shall hold an organizational meeting each year on the date of its first

28 scheduled hearing, immediately before conducting the business for which the hearing was otherwise

1 scheduled. At the organizational meeting, the members shall choose one member as the presiding officer of the
2 board. The county tax appeal board shall continue in session from July 1 of the current tax year until December
3 31 of the current tax year to hear protests concerning assessments made by the department until the business
4 of hearing protests is disposed of and, as provided in 15-2-201, may meet after December 31.

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

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

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

18

19 **Section 53.** Section 61-2-106, MCA, is amended to read:

20 **"61-2-106. County drinking and driving prevention program.** (1) The governing body of a county
21 may appoint a task force to study the problem of alcohol-related traffic accidents and recommend a program
22 designed to:

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

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

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

3 (3) The county governing body may by resolution adopt the recommendations of the task force
4 appointed under subsection (1). The proposed program must be approved by the governor as provided in 61-2-
5 105.

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

7 (a) a budget and a financial report for each fiscal year; and

8 (b) an annual report containing but not limited to:

9 (i) an evaluation of the effectiveness of the program;

10 (ii) the number of arrests and convictions in the county for driving under the influence of alcohol and
11 the sentences imposed for these convictions;

12 (iii) the number of alcohol-related traffic accidents in the county; and

13 (iv) any other information requested by the county governing body or considered appropriate by the
14 task force.

15 (5) A copy of the annual report may be submitted to the department."
16

17 **Section 54.** Section 61-12-402, MCA, is amended to read:

18 **"61-12-402. (Temporary) Notice to owner.** (1) Within 72 hours after a vehicle is removed and held
19 by or at the direction of the Montana highway patrol, the highway patrol shall notify the sheriff of the county or
20 the chief of police of the city in which the vehicle is being stored of where and when the vehicle was taken into
21 custody and of where the vehicle is being stored. In addition, the Montana highway patrol shall furnish the
22 sheriff or the chief of police:

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

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

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

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

1 a different county.

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

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

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

17 (6) If the abandoned vehicle is in the possession of a motor vehicle wrecking facility licensed under
18 75-10-511, the wrecking facility may make the required search to ascertain the name and address of the owner,
19 lienholder, or person entitled to possession of the vehicle and shall give the notices required in subsections (3)
20 through (5). The wrecking facility shall deliver to the sheriff or the city police a certificate describing the efforts
21 made to ascertain the name and address of the owner, lienholder, or person entitled to possession of the
22 vehicle and shall deliver to the sheriff or the city police proof of the notice given.

23 (7) (a) (i) A vehicle found by law enforcement officials to be a junk vehicle, as defined in 75-10-501,
24 and that has a value of \$500 or less may be directly submitted for disposal in accordance with the provisions of
25 Title 75, chapter 10, part 5, upon a release given by the sheriff or the city police. The county representative
26 designated to implement the county motor vehicle recycling and disposal program pursuant to 75-10-521 for the
27 county where the vehicle is being stored shall determine the value of the vehicle. In the release, the sheriff or
28 the city police shall include a description of the vehicle, including year, make, model, serial number, and license

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

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

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

13 **61-12-402. (Effective July 1, 2023) Notice to owner.** (1) Within 72 hours after a vehicle is removed
14 and held by or at the direction of the Montana highway patrol, the highway patrol shall notify the sheriff of the
15 county or the chief of police of the city in which the vehicle is being stored of where and when the vehicle was
16 taken into custody and of where the vehicle is being stored. In addition, the Montana highway patrol shall
17 furnish the sheriff or the chief of police:

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

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

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

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

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

1 (4) If the vehicle is registered in the office of the department, notice is considered to have been given
2 when a certified letter addressed to the registered owner of the vehicle and lienholder, if any, at the latest
3 address shown by the records in the office of the department, return receipt requested and postage prepaid, is
4 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
5 vehicle is sold as provided in 61-12-404(1)(b).

6 (5) If the identity of the last-registered owner cannot be determined, if the registration does not
7 contain an address for the owner, or if it is impossible to determine with reasonable certainty the identity and
8 addresses of all lienholders, notice by one publication ~~in one newspaper of general circulation as provided in 7-~~
9 1-2121 in the county where the motor vehicle is being stored is sufficient to meet all requirements of notice
10 pursuant to this part. The notice by publication may contain multiple listings of abandoned vehicles. The notice
11 must be provided in the same manner as prescribed in 25-13-701(1)(b).

12 (6) If the abandoned vehicle is in the possession of a motor vehicle wrecking facility licensed under
13 75-10-511, the wrecking facility may make the required search to ascertain the name and address of the owner,
14 lienholder, or person entitled to possession of the vehicle and shall give the notices required in subsections (3)
15 through (5). The wrecking facility shall deliver to the sheriff or the city police a certificate describing the efforts
16 made to ascertain the name and address of the owner, lienholder, or person entitled to possession of the
17 vehicle and shall deliver to the sheriff or the city police proof of the notice given.

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

1 holding period.

2 (b) A licensed vehicle that otherwise meets the definition of 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 as provided in subsection (7)(a)."

4

5 **Section 55.** Section 67-11-103, MCA, is amended to read:

6 **"67-11-103. Regional airport authority.** (1) Two or more municipalities may by joint resolution create
7 a public body, corporate and politic, to be known as a regional airport authority. The resolution creating a
8 regional airport authority must create a board of not less than five commissioners; the number to be appointed,
9 their term and compensation, if any, must be provided for in the resolution. Each regional airport authority shall
10 organize, select officers for terms to be fixed by agreement, and adopt and amend from time to time rules for its
11 own procedure consistent with 67-11-104.

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

20 (3) A regional airport authority may be decreased if each of the municipalities then included in the
21 regional authority and the commissioners of the regional authority consent to the decrease and make provisions
22 for the retention or disposition of its assets and liabilities.

23 (4) A municipality may not adopt any resolution authorized by this section without a public hearing on
24 the resolution. Notice of the hearing must be given-published at least 10 days prior to the hearing ~~in a~~
25 ~~newspaper published in the municipality or, if there is no newspaper published in the municipality, in a~~
26 ~~newspaper having general circulation in the municipality as provided in 7-1-4127.~~

27 (5) For the purpose of this chapter, a regional airport authority has the same powers as all other
28 political subdivisions in the adoption and enforcement of airport affected area regulations as provided for in this

1 title."

2

3 **Section 56.** Section 69-7-111, MCA, is amended to read:

4 **"69-7-111. Municipal rate hearing required -- notice.** (1) Except as provided in 75-5-516, 75-6-108,
5 and subsection (6), if the governing body of a municipality considers it advisable to regulate, establish, or
6 change rates, charges, or classifications imposed on its customers, it shall order a hearing to be held before it
7 at a time and place specified.

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

9 (3) (a) The notice must be published three times with at least 6 days separating each publication.
10 The first publication may be no more than 28 days prior to the hearing, and the last publication may be no less
11 than 3 days prior to the hearing.

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

15 (4) The published notice must contain:

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

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

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

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

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

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

28 (ii) provide notification to all persons served by the municipality at least 10 days prior to the enactment

1 of the ordinance or adoption of the resolution implementing the increase.

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

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

5

6 **Section 57.** Section 72-14-207, MCA, is amended to read:

7 **"72-14-207. Unsold tangible personal property -- how disposed of -- auction sale.** (1) If the
8 tangible personal property in an escheated estate was not sold by the personal representative at the final
9 settlement of the estate, the personal representative shall deliver the property to the county treasurer. The
10 county treasurer shall, within 1 year of the receipt of the property, sell it to the highest bidder at a public auction
11 sale at the county seat of the county of administration of the estate.

12 (2) The county treasurer shall give notice of the sale by publication as provided in 7-1-2121 once a
13 week for 2 successive weeks ~~in a newspaper published in the county of administration.~~ The last publication
14 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
15 must contain a description of the property to be sold.

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

19

20 **Section 58.** Section 76-1-104, MCA, is amended to read:

21 **"76-1-104. Procedure to establish county planning board -- protest.** (1) Before a county planning
22 board may be created, the board of county commissioners shall by resolution give public notice of their intent to
23 create such planning board and of a public hearing ~~thereon by publication of notice.~~ Notice must be published
24 as provided in 7-1-2121 and include of the time and place of the hearing ~~on such resolution in each newspaper~~
25 ~~published in the county~~ not less than 15 or more than 30 days prior to the date of hearing.

26 (2) A resolution creating a county planning board shall not be adopted by the board of county
27 commissioners if disapproved in writing, not later than 60 days after such hearing, by a majority of the qualified
28 electors of the county residing outside the limits of the jurisdictional area of an existing city-county planning

1 board established pursuant to 76-1-504 through 76-1-507 and outside the incorporated limits of each city and
2 town in the county."

3

4 **Section 59.** Section 76-1-505, MCA, is amended to read:

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

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

20

21 **Section 60.** Section 76-1-602, MCA, is amended to read:

22 **"76-1-602. Public hearing on proposed growth policy.** (1) Prior to the submission of the proposed
23 growth policy to the governing bodies, the board shall give notice and hold a public hearing on the growth
24 policy.

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

27

28 **Section 61.** Section 76-2-205, MCA, is amended to read:

1 **"76-2-205. Procedure for adoption of regulations and boundaries.** The board of county
2 commissioners shall observe the following procedures in the establishment or revision of boundaries for zoning
3 districts and in the adoption or amendment of zoning regulations:

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

6 (a) state:

7 (i) the boundaries of the proposed district;

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

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

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

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

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

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

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

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

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

25 (a) the boundaries of the proposed district;

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

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

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

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

7

8 **Section 62.** Section 76-2-220, MCA, is amended to read:

9 **"76-2-220. Zoning commission -- appointment -- duties.** (1) For the purpose of providing an
10 optional method of amending any zoning regulations or zoning classification, the county commissioners may
11 appoint a zoning commission to recommend amendments to the zoning regulations and classifications. Such a
12 zoning commission must be composed of at least five citizen members appointed at large from the zoning
13 district. The county commissioners may adopt bylaws for the zoning commission pertaining to the qualifications
14 of the members and such other matters as the commissioners consider necessary.

15 (2) If a commission is appointed, it shall hold a public hearing to receive relevant testimony. The
16 hearing, which may be held jointly with the hearing by the county commissioners, must be ~~upon~~within at least
17 15 days' notice of the time and place of the hearing and must be published in the contracted newspaper
18 provided for in 18-7-411 or ~~a newspaper of general circulation in the county as provided in 7-1-2121.~~
19 Recommendations of the zoning commission must be submitted to the county commissioners."

20

21 **Section 63.** Section 76-2-306, MCA, is amended to read:

22 **"76-2-306. Interim zoning ordinances.** (1) Except as provided in 76-2-340, the city or town council
23 or other legislative body of the municipality, to protect the public safety, health, and welfare and without
24 following the procedures otherwise required prior to the adoption of a zoning ordinance, may adopt as an
25 urgency measure an interim zoning ordinance prohibiting any uses that may be in conflict with a contemplated
26 zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time.

27 (2) An interim zoning ordinance may be applicable only within the city limits and up to 1 mile beyond
28 the corporate boundaries of the city or town and takes effect upon passage if a hearing is first held upon notice

1 reasonably designed to inform all affected parties. A notice must be published ~~in a newspaper of general~~
2 ~~circulation as provided in 7-1-4127~~ at least 7 days before the hearing.

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

7

8 **Section 64.** Section 76-3-503, MCA, is amended to read:

9 **"76-3-503. Hearing on proposed regulations.** Before the governing body adopts subdivision
10 regulations pursuant to 76-3-501 or 76-3-509, it shall hold a public hearing on the regulations and shall give
11 public notice of its intent to adopt the regulations and of the public hearing by publication of notice as provided
12 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~~
13 not less than 15 or more than 30 days prior to the date of the hearing."

14

15 **Section 65.** Section 76-3-605, MCA, is amended to read:

16 **"76-3-605. Hearing on subdivision application.** (1) Except as provided in 76-3-609 and 76-3-616
17 and subject to the regulations adopted pursuant to 76-3-504(1)(o) and 76-3-615, at least one public hearing on
18 the subdivision application must be held by the governing body, its authorized agent or agency, or both and the
19 governing body, its authorized agent or agency, or both shall consider all relevant evidence relating to the
20 public health, safety, and welfare, including the environmental assessment if required, to determine whether the
21 subdivision application should be approved, conditionally approved, or denied by the governing body.

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

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

27 The subdivider, each property owner of record whose property is immediately adjoining the land included in the
28 preliminary plat, and each purchaser under contract for deed of property immediately adjoining the land

1 included in the preliminary plat must also be notified of the hearing by registered or certified mail not less than
2 15 days prior to the date of the hearing.

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

7

8 **Section 66.** Section 80-8-120, MCA, is amended to read:

9 **"80-8-120. Local pesticide regulation.** (1) (a) A unit of local government may adopt an ordinance to
10 require a commercial applicator, as defined in 80-8-102, to provide notification when applying a pesticide,
11 subject to the following provisions:

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

16 (ii) A sign must be:

17 (A) at least 4 inches in height and 5 inches in width; and

18 (B) made of weather-resistant material if used for outdoor application.

19 (iii) A sign must contain:

20 (A) the words "pesticide application"; and

21 (B) the telephone number of the applicator, property owner, or property manager who can supply
22 further information about the pesticide.

23 (iv) A sign must be posted:

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

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

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

1 tees.

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

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

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

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

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

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

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

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

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

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

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

22 (ii) fund the costs, including but not limited to:

23 (A) educating its citizens of the ordinance's requirements;

24 (B) compensating personnel to enforce the ordinance; and

25 (C) prosecution of a violation of the ordinance.

26 (c) A unit of local government may not adopt a notification ordinance under this section that imposes
27 additional fee requirements on a commercial applicator.

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

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

2 (3) Except as provided in subsections (1) and (2), a unit of local government may not regulate or
3 prohibit the registration, labeling, distribution, use, or sale of pesticides or enact notification provisions more
4 stringent than those provided for in subsections (1) and (2). It is not the intent of this subsection to prevent local
5 responsibilities for zoning, fire codes, or disposal of pesticides pursuant to Title 75, chapter 10, part 4.

6 (4) The department shall maintain and, upon request, distribute a register of ordinances adopted by
7 local governing bodies pursuant to subsection (1)."

8

9 **Section 67.** Section 81-4-301, MCA, is amended to read:

10 **"81-4-301. Herd districts -- creation, size, and location.** (1) Herd districts may be created in any
11 county in the state of Montana:

12 (a) upon petition of owners or possessors of 55% of the land in the district and providing that 25% or
13 more of the land in the district is in actual cultivation or being used for residential purposes; or

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

15 (2) Herd districts must contain 12 square miles or more, lying not less than 1 mile in width, outside of
16 the incorporated cities, except that herd districts may be created containing not less than 6 or more than 54
17 square miles, lying not less than 2 miles in width, when the territory joins and is contiguous with the boundaries
18 of a city having a population of 10,000 or more and the territory to be created in a herd district has a suburban
19 population of not less than 200 people.

20 (3) In formation of a herd district the entire holding of any owner or lessee must be included unless
21 the owner or lessee consents that less than the owner or lessee's entire contiguous holdings be included in the
22 petition.

23 (4) The petition must designate the months of the year when the herd district is effective, and upon
24 presentation and filing of the petition, properly signed, giving the outside boundaries and description of the
25 proposed district and the post-office address of the petition signers, with the clerk and recorder in the county in
26 which the district is being created, the county commissioners of that county, upon receipt of the petition, shall
27 set a date for hearing protests and verifying the petition signatures and shall give not less than 20 days' notice
28 of the hearing by three publications ~~in a newspaper of general circulation in the county of the proposed district~~

1 as provided in 7-1-2121. At the hearing held pursuant to the notices, the county commissioners shall examine
2 the petition and shall cause a map to be made in order to determine the shape and regularity of the boundaries
3 of the proposed district. The commissioners may then establish the district, but the district shall be established
4 only in a manner that the district will be reasonably regular and symmetrical in shape or practicable in relation
5 to the geographical features of the district. It is not required that the boundaries of a district follow section lines
6 to meet the requirement of reasonably regular and symmetrical boundaries.

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

12 (6) If the signature of lessee appears on the petition creating or abolishing any herd district, the owner
13 or owners of the land may appear either in person or by agent and enter their protest and the board of county
14 commissioners shall remove the name of the lessee from the petition, and a person may not withdraw the
15 person's name after the hour set for hearing the protest."
16

17 **Section 68.** Section 81-4-302, MCA, is amended to read:

18 **"81-4-302. Dissolution.** (1) When a petition praying that any established herd district be dissolved is
19 filed with the county clerk and recorder of the county ~~wherein such~~ where the district ~~has been~~ was established
20 and ~~it is set forth therein that such~~ the petition is signed by the owners or possessors of 55% or more of the
21 lands lying within such district and that less than 25% of the lands included in such district is in actual
22 cultivation, the ~~said~~ county clerk and recorder shall call ~~such the~~ petition to the attention of the board of county
23 commissioners of the county at its next regular meeting. At ~~said the~~ meeting ~~by its order~~ the board shall set
24 such a hearing on the petition ~~for hearing~~ at a specified time on a day certain, ~~of which notice shall be given and~~
25 the board shall give notice of the hearing by publication as provided in 7-1-2121 at least once in each week for
26 3 successive weeks ~~in some newspaper of general circulation in the county.~~

27 (2) At the time fixed for hearing, the board of county commissioners shall first require proof of
28 publication of the notice of ~~said the~~ hearing to be made and ~~thereafter then~~ shall consider the petition and hear

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

9

10 **Section 69.** Section 81-4-305, MCA, is amended to read:

11 **"81-4-305. Changing time when herd districts will be in effect -- petition -- notice -- hearing.** The
12 time of year or period when any herd district ~~heretofore or hereafter~~ created under ~~the provisions of~~ the laws of
13 this state is effective or will be in effect may be changed as ~~herein provided~~ in this subsection, ~~by the board of~~
14 ~~county commissioners of the county in which such herd district has been created, upon the presentation and~~
15 ~~filing with the clerk and recorder of such county a petition signed by the~~ The owners or possessors of 55% of
16 the land in ~~such a herd~~ district may sign a petition and present the petition for filing with the clerk and recorder
17 of the county. ~~Such~~The petition ~~shall~~must designate the months of the year when ~~such the~~ herd district is
18 effective and designate the contemplated change. Upon ~~receipt thereof~~ the filing of the petition by the clerk and
19 recorder of the county in which the herd district has been created, the county commissioners ~~of such county~~
20 shall set a date for hearing protests and verifying the signatures ~~thereto attached to the petition~~ and shall give
21 not less than 20 days' notice of the ~~same~~ hearing by posting five notices of hearing in five public places in the
22 county, one of which ~~shall~~must be at the place ~~such the~~ hearing is to be held and at least two of ~~such the~~
23 notices ~~to~~must be posted within ~~such the~~ herd district. Should it appear to the board of county commissioners
24 after ~~such the~~ hearing that the signatures attached to such petition are genuine, they shall immediately make an
25 order changing the period of time ~~such the~~ herd district will be in effect, as designated in ~~such the~~ petition; after
26 which the county commissioners must give notice by four weekly publications ~~in some newspaper in the county~~
27 ~~nearest such district, as provided in 7-1-2121 stating that states~~ the period ~~such the~~ district will be in effect. The
28 change of time ~~shall~~may not become effective until ~~such the~~ notice has been published as ~~herein~~ provided.

1 Upon the ~~fourth publication of such~~completion of notice, ~~such the~~ change of time ~~shall become~~s effective and
2 violation ~~thereof of the laws concerning herd districts shall~~must be punished as provided under the laws of the
3 state of Montana relative to herd districts."
4

5 **Section 70.** Section 81-4-310, MCA, is amended to read:

6 **"81-4-310. Annexation into existing herd district.** (1) Owners or possessors of land that is
7 contiguous to a herd district may petition to have their property annexed to that district. The petition must be
8 properly signed by the owners or possessors of at least 55% of the affected land and must include the post-
9 office address of all petition signers. The petition must state the outside boundaries and a description of the
10 property to be annexed to the existing district. When the petition is filed with the clerk and recorder in the county
11 in which the existing district lies, the county commissioners of that county shall set a date for hearing protests
12 and verifying petition signatures. The county commissioners shall provide notice of the hearing by publishing
13 publication as provided in 7-1-2121 of the hearing date and a list of the properties proposed to be annexed, at
14 least three times ~~in a newspaper of general circulation in the county~~, not less than 20 days prior to the hearing
15 date.

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

22 (3) If the county commissioners declare the properties annexed to the existing herd district, they shall
23 give notice of the annexation by four weekly publications as provided in 7-1-2121 ~~four weekly publications in a~~
24 ~~newspaper of general circulation in the county~~. Annexation does not become effective until 30 days after the
25 declaration of annexation is made, as provided in subsection (2)."
26

27 **Section 71.** Section 81-4-322, MCA, is amended to read:

28 **"81-4-322. Horse herd districts -- size -- location -- petition -- notice and hearing -- abolishment.**

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

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

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

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

20 (5) Upon petition of an owner or possessor of land lying contiguous and adjoining any horse herd
21 district and upon like hearing and notice as provided in this section, the lands must be included in the horse
22 herd district and become a part of the district.

23 (6) If the signature of a lessee appears on the petition creating or abolishing any horse herd district,
24 the owner or owners of the land may appear either in person or by agent and enter their protest, and the board
25 of county commissioners shall remove the name of the lessee from the petition. A person may not be permitted
26 to withdraw the person's name after the hour set for hearing the petition."
27

28 **Section 72.** Section 81-4-323, MCA, is amended to read:

"81-4-323. Petition to dissolve horse herd district -- hearing and notice -- order of county

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

Section 73. Section 81-4-327, MCA, is amended to read:

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

the sheriff shall have the horses classified as follows:

(a) Class 1 must include:

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

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

(b) Class 2 must include horses bearing registered brands and that in the opinion of the stock

1 inspector are of a value in excess of \$10 per head.

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

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

17 (4) A separate fund of the type specified in subsection (3) must be kept by the county treasurer for
18 each of the districts created in that county. The county treasurer shall make a record of the description of each
19 horse, the amount received for the horse, and the amount of deductions. The record must be open to public
20 inspection, and any person making claim of ownership of a horse to the board of county commissioners at any
21 time within 1 year from the date of sale and submitting proof of ownership to the board with the claim to the
22 satisfaction of the board is entitled to receive the excess received from the sale of that horse. Any money
23 received from the sale of a horse that is not claimed within 1 year after the sale must at the expiration of that
24 period be transferred to the general fund of the county."

25

26 **Section 74.** Section 81-4-504, MCA, is amended to read:

27 **"81-4-504. Notice of holding roundup -- publication -- form.** Notice of the roundup shall be given
28 by the board of county commissioners at least 30 days before the date when the roundup begins. The notices

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

12

13 **Section 75.** Section 81-4-510, MCA, is amended to read:

14 **"81-4-510. Notice of sale of abandoned horses -- form -- time of sale -- title.** (1) Before a sale
15 may be held, at least 10 days' notice must be given by publication as provided in 7-1-2121 and posting in the
16 manner specified in 81-4-504, except that publication, if made in a newspaper, must be once each week for 2
17 successive weeks, and posting must be done at least 5 days before the date of sale. The notice must be in
18 substantially the following form:

19 NOTICE OF SALE OF ABANDONED HORSES

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

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

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

28 Dated the day of, 20...

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

2 By, clerk of the board.

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

7 **Section 76.** Section 85-3-424, MCA, is amended to read:

8 **"85-3-424. Declaration of emergency -- hearing -- determination of need for weather**

9 **modification operation.** (1) After receiving a petition requesting an operation to increase precipitation, initiate
10 precipitation, or suppress hail and bearing the signatures of at least 50 registered electors of the county, the
11 commissioners of an authority shall, within 15 days after receiving the petition, publish notice at least once as
12 provided in 7-1-2121 of a public hearing on the request ~~at least once in a newspaper of general circulation~~
13 ~~published within the county~~ and conduct the hearing.

14 (2) If after the hearing a majority of the commissioners finds that a weather emergency exists
15 requiring such an operation, the authority may proceed with the activities needed to initiate and conduct the
16 requested operation."
17

18 **Section 77.** Section 90-5-104, MCA, is amended to read:

19 **"90-5-104. Hearing.** (1) Prior to the issuance of any bonds under the authority of this part by any
20 municipality or county to pay the costs of acquiring or improving a project, the governing body shall give notice
21 and hold a public hearing on the proposed project. At least once a week for 3 consecutive weeks prior to the
22 date set for the hearing, the governing body shall publish ~~in a newspaper of general circulation in the~~
23 ~~municipality or county~~ as provided in 7-1-2121 or 7-1-4127 a notice of the time and place of the hearing, the
24 general nature of the project, the name of the lessee, borrower, or user of the project, and the estimated cost of
25 the project. The governing body may not issue the bonds to pay the costs of acquiring or improving a project
26 unless it appears after the public hearing that the acquisition or improvement of the project is in the public
27 interest of the municipality or county.

28 (2) The provisions of subsection (1) do not apply to refunding bonds issued under 90-5-107 to refund

1 bonds issued to pay the costs of acquiring or improving a project as to which a hearing was held under
2 subsection (1)."

3

4 **Section 78.** Section 90-6-307, MCA, is amended to read:

5 **"90-6-307. Impact plan to be submitted.** (1) After an application for a permit for a large-scale
6 mineral development is made under 82-4-335, the person seeking the permit shall submit to the affected
7 counties and the board an impact plan describing the economic impact the large-scale mineral development will
8 have on local government units and shall file proof of the submission to the counties with the board. Whenever
9 an environmental impact statement on the permit application is prepared under 75-1-201, the lead agency shall
10 cooperate to the fullest extent practicable with the affected local government units to eliminate duplication of
11 effort in data collection. The governing bodies of the affected counties shall publish notice at least once as
12 provided in 7-1-2121 of the submission of an impact plan ~~at least once in a newspaper of general circulation in~~
13 ~~the county~~. The mineral developer and the affected local government units shall ensure that the impact plan
14 includes:

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

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

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

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

22 (2) In the impact plan, the developer shall commit itself to pay all of the increased capital and net
23 operating cost to local government units that will be a result of the development, as identified in the impact plan,
24 whether from tax prepayments, as provided in 90-6-309, special industrial local government facility impact
25 bonds, as provided in 90-6-310, or other funds obtained from the developer, and shall provide a time schedule
26 within which it will do so. The plan may provide for funding from other revenue sources or funding mechanisms
27 if the developer guarantees that the amount to be provided from these sources will be paid.

28 (3) Upon request of the governing body of an affected unit of local government, the mineral

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

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

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

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

22 (7) If objections are received from a local government unit, the board shall, within 10 days, notify the
23 developer and forward a copy of the local government unit's objections to the developer. The local government
24 unit and the developer have 30 days, or a longer period if both the local government unit and the developer
25 request an extension, to resolve the objection. If the objections are not resolved, the board shall conduct a
26 hearing on the validity of the objections. The hearing must be held in the affected county or, if objections are
27 received from local government units in more than one county, must be held in the county which, in the board's
28 judgment, is more greatly affected. The provisions of the Montana Administrative Procedure Act apply to the

1 conduct of the hearing. The impact plan filed by the developer does not carry a presumption of correctness at
2 the hearing.

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

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

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

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

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

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

1 and costs awarded are in addition to any amounts paid by the developer under this part.

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

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

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