

SENATE BILL NO. 5

INTRODUCED BY M. DUNWELL

BY REQUEST OF THE LOCAL GOVERNMENT INTERIM COMMITTEE

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

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

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

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

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

(3) (a) The newspaper must:

(i) be of general circulation;

(ii) be published at least once a week;

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

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

(A) circulation for the prior 12 months;

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(B) a statement of net distribution;

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

(D) the method of distribution.

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

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

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

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

(7) The published notice must contain:

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

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

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

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

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

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

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

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

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

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notice, publication must be in a newspaper, except that in a municipality with a population of 500 or less, OR IN A MUNICIPALITY in which a newspaper is not published, OR IN A MUNICIPALITY WITHIN A COUNTY WHERE A NEWSPAPER DOES NOT MEET THE QUALIFICATIONS IN SUBSECTION (2), publication ~~may~~ must be made by posting in three public places in the municipality that have been designated by ordinance, one of which may be the municipality's website if the municipality has an active website.

(2) The newspaper must:

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

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

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

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

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

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

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

- (a) the date, time, and place of the hearing or other action;
- (b) a brief statement of the action to be taken;
- (c) the address and telephone number of the person who may be contacted for further information on the action to be taken; and

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

~~(9)(8)~~ A published notice required by law may be supplemented by a radio or television broadcast of the notice in the manner prescribed in 2-3-105 through 2-3-107.

~~(40)(9)~~ Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher, printer, or clerk of the newspaper or of the person posting the notice.

~~(11)(10)~~ If the newspaper fails to publish a second notice, the municipality must be considered to have met the requirements of this section as long as the municipality submitted the required information prior to the submission deadline and the notice was posted in three public places in the municipality that were designated by ordinance and, if the municipality has an active website, was posted on the municipality's website at least 6 days prior to the hearing or other action for which notice was required."

Section 3. Section 15-18-225, MCA, is amended to read:

"15-18-225. Form of cancellation -- unsuccessful auction. The notice of cancellation of an assignment required by 15-18-220 must be made as follows:

I,....., the treasurer of..... County, certify that..... (name of the assignee or assignee's agent) of..... (address) purchased a tax lien assignment..... (assignment certificate no.) on the following property.....(full legal description) owned by.....(name of owner of record) on..... (date).

I further certify that pursuant to 15-18-219(1), the assignee made an application for a tax deed after the redemption period expired.

I further certify that pursuant to 15-18-220(1) and 7-1-2121, notice of the auction was given on..... (date) and..... (date) in..... (newspaper publication).

I further certify that there were no bidders at auction or no bidder made payment as required in 15-18-220(3).

Therefore, the assignment of the tax lien is cancelled this..... (date).

.....

Name of County Treasurer"

- END -