

HOUSE BILL NO. 353

INTRODUCED BY B. TASH, K. OHS, C. YOUNKIN

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A COUNTY, CITY, OR TOWN THAT OWNS PROPERTY CONTAINING A HISTORICALLY SIGNIFICANT BUILDING OR MONUMENT TO SELL OR GIVE THE PROPERTY TO A NONPROFIT ORGANIZATION OR GROUP THAT AGREES TO RESTORE OR PRESERVE THE PROPERTY; AMENDING SECTIONS 7-8-2211, 7-8-2212, 7-8-2213, AND 7-8-4201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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12 **Section 1.** Section 7-8-2211, MCA, is amended to read:

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"7-8-2211. Authorization to sell and exchange county property. (1) Boards of county commissioners of this state have the power to sell, trade, or exchange any real or personal property, however acquired, belonging to the county that is not necessary to the conduct of county business or the preservation of its property.

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(2) Whenever a county purchases equipment, as provided in 7-5-2301 through 7-5-2308, county equipment ~~which~~ that is not necessary to the conduct of the county business may be traded in as part of the purchase price after appraisal, as provided in 7-8-2214, or may be sold at public auction, as provided in 7-8-2212, in the discretion of the board.

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(3) Any sale, trade, or exchange of real or personal property ~~shall~~ must be accomplished under the provisions of ~~Title 7, and in this title.~~ In an exchange of real property, the properties ~~shall~~ must be appraised, and ~~no an~~ an exchange of county property may ~~not~~ be made unless property received in exchange ~~therefor~~ for the county property ~~shall be~~ is of an equivalent value. ~~In the event~~ If the properties are not of equivalent values, the exchange may be completed if a cash payment is made in addition to the delivery of title for property having the lesser value.

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(4) If a county owns property containing a historically significant building or monument, the county may sell or give the property to nonprofit organizations or groups that agree to restore or preserve the property. The contract for the transfer of the property must contain a provision that:

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(a) requires the approval of the county for any future transfer of the property THE PROPERTY TO BE PRESERVED IN ITS PRESENT OR RESTORED STATE UPON ANY SUBSEQUENT TRANSFER; and

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1 (b) provides for the reversion of the property to the county for noncompliance with conditions attached
 2 to the transfer."

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4 **Section 2.** Section 7-8-2212, MCA, is amended to read:

5 **"7-8-2212. Notice of sale and public auction required for certain sales.** Unless otherwise provided,
 6 if real or personal property to be sold is reasonably of a value in excess of \$2,500, the sale must be at public
 7 auction at a site determined by the board of county commissioners after notice by publication as provided in
 8 7-1-2121. Property described in 7-8-2211(4) is not subject to the requirements of this section."

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10 **Section 3.** Section 7-8-2213, MCA, is amended to read:

11 **"7-8-2213. Terms of sale.** (1) ~~The~~ Except as provided in 7-8-2211(4), a sale shall under this part must
 12 be for cash or on such terms as that the board of county commissioners may approve, provided that at least 20%
 13 of the purchase price ~~shall be~~ is paid in cash. All deferred payments on the purchase price of any property sold
 14 ~~shall~~ must bear interest at the rate of 6% ~~per annum~~ a year, payable annually, and may be extended over a period
 15 of not more than 5 years.

16 (2) ~~No~~ Subject to 7-8-2211(4), a sale shall may not be made at public auction or to any school district
 17 without public auction for less than 90% of the appraised value.

18 (3) ~~No~~ Subject to 7-8-2211(4), the title to any property sold under the provisions of 7-8-2211 through
 19 7-8-2220 shall may not pass from the county until the purchaser or ~~his~~ the purchaser's assigns ~~shall~~ have paid
 20 the full amount of the purchase price ~~therefor~~ into the county treasury for the use and benefit of the county."

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22 **Section 4.** Section 7-8-4201, MCA, is amended to read:

23 **"7-8-4201. Disposal or lease of municipal property.** (1) Subject to the provisions of subsection (2),
 24 the city or town council may sell, dispose of, or lease any property belonging to the city or town.

25 (2) (a) ~~The~~ Except for property described in subsection (3), the lease or transfer must be made by an
 26 ordinance or resolution passed by a two-thirds vote of all the members of the council.

27 (b) Except for property acquired by tax deed or property described in subsection (3), if the property is
 28 held in trust for a specific purpose, the sale or lease must be approved by a majority vote of the electors of the
 29 municipality voting at an election called for that purpose. The election must be held in conjunction with a regular
 30 or primary election.

1 (3) If a city or town owns property containing a historically significant building or monument, the city or
2 town may sell or give the property to nonprofit organizations or groups that agree to restore or preserve the
3 property. The contract for the transfer of the property must contain a provision that:

4 ~~(a) requires the approval of the city or town for any future transfer of the property~~ THE PROPERTY TO BE
5 PRESERVED IN ITS PRESENT OR RESTORED STATE UPON ANY SUBSEQUENT TRANSFER; and

6 (b) provides for the reversion of the property to the city or town for noncompliance with conditions
7 attached to the transfer.

8 ~~(3)~~(4) This section may not be construed to abrogate the power of the board of park commissioners to
9 lease all lands owned by the city that were acquired for parks within the limitations prescribed by 7-16-4223."

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11 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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