

HOUSE BILL NO. 292  
INTRODUCED BY C. YOUNKIN

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE LAW GOVERNING COUNTY ACQUISITION OF REAL PROPERTY APPLIES TO THE ACQUISITION OF CONSERVATION EASEMENTS; PROVIDING FOR AN INDEPENDENT APPRAISAL OF CERTAIN CONSERVATION EASEMENTS BY CITIZENS APPOINTED BY A DISTRICT COURT JUDGE PRIOR TO A COUNTY PURCHASE OF THOSE CONSERVATION EASEMENTS; CLARIFYING THAT LAWS GOVERNING OPEN SPACE AND CONSERVATION EASEMENTS DO NOT SUPERSEDE THE PROCEDURE FOR COUNTY ACQUISITION OF REAL PROPERTY AND CONSERVATION EASEMENTS; AMENDING SECTIONS 7-8-2202 AND 76-6-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 7-8-2202, MCA, is amended to read:

**"7-8-2202. Appraisal required for certain purchases of real property or conservation easements.**

Unless otherwise provided by law, ~~no a county may not purchase of real property or a conservation easement using public funds exceeding the value in an amount in excess of \$2,500 may be made~~ unless the value of the ~~same property or conservation easement~~ has been previously estimated by three disinterested citizens of the county appointed by ~~the a district judge, for that purpose, and no~~ The county may not pay more than the appraised value ~~determined by the citizen panel must be paid therefor~~ for the real property or conservation easement."

**Section 2.** Section 76-6-109, MCA, is amended to read:

**"76-6-109. Powers of public bodies -- county real property acquisition procedure maintained. (1)**

A public body has the power to carry out the purposes and provisions of this chapter, including the following powers in addition to others granted by this chapter:

- (a) to borrow funds and make expenditures necessary to carry out the purposes of this chapter;
- (b) to advance or accept advances of public funds;
- (c) to apply for and accept and use grants and any other assistance from the federal government and any other public or private sources, to give security as may be required, to enter into and carry out contracts or

agreements in connection with the assistance, and to include in any contract for assistance from the federal government conditions imposed pursuant to federal laws as the public body may consider reasonable and appropriate and that are not inconsistent with the purposes of this chapter;

(d) to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter;

(e) in connection with the real property acquired or designated for the purposes of this chapter, to provide or to arrange or contract for the provision, construction, maintenance, operation, or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities or structures that may be necessary to the provision, preservation, maintenance, and management of the property as open-space land;

(f) to insure or provide for the insurance of any real or personal property or operations of the public body against any risks or hazards, including the power to pay premiums on the insurance;

(g) to demolish or dispose of any structures or facilities that may be detrimental to or inconsistent with the use of real property as open-space land; and

(h) to exercise any of its functions and powers under this chapter jointly or cooperatively with public bodies of one or more states, if they are authorized by state law, and with one or more public bodies of this state and to enter into agreements for joint or cooperative action.

(2) For the purposes of this chapter, the state or a city, town, other municipality, or county may:

(a) appropriate funds;

(b) subject to 15-10-420, levy taxes and assessments according to existing codes and statutes;

(c) issue and sell its general obligation bonds in the manner and within the limitations prescribed by the applicable laws of the state, subject to subsection (3); and

(d) exercise its powers under this chapter through a board or commission or through the office or officers that its governing body by resolution determines or as the governor determines in the case of the state.

(3) Property taxes levied to pay the principal and interest on general obligation bonds issued by a city, town, other municipality, or county pursuant to this chapter may not be levied against the following property:

(a) agricultural land eligible for valuation, assessment, and taxation as agricultural land under 15-7-202;

(b) forest land as defined in 15-44-102;

(c) all agricultural improvements on agricultural land referred to in subsection (3)(a);

(d) all noncommercial improvements on forest land referred to in subsection (3)(b); and

(e) agricultural implements and equipment described in 15-6-138(1)(a); ~~and~~

~~(f) livestock described in 15-6-136(1)(a).~~

(4) This chapter does not supersede the provisions of 7-8-2202."

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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