SENATE BILL NO. 492

INTRODUCED BY K. GEBHARDT

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN ALTERNATIVE APPRAISAL METHOD FOR CERTAIN PURCHASES OF REAL PROPERTY OR CONSERVATION EASEMENTS BY A COUNTY, CITY, OR TOWN; AMENDING SECTIONS 7-1-4124 AND 7-8-2202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-1-4124, MCA, is amended to read:

"7-1-4124. Powers. A municipality with general powers has the power, subject to the provisions of state law, to:

(1) enact ordinances and resolutions;

(2) sue and be sued;

(3) subject to 7-8-2202, buy, sell, mortgage, rent, lease, hold, manage, or dispose of any interest in real or personal property;

(4) contract with persons, corporations, or any other governmental entity;

(5) pay debts and expenses;

(6) borrow money;

(7) solicit and accept bequests, donations, or grants of money, property, services, or other advantages and comply with any condition that is not contrary to the public interest;

(8) execute documents necessary to receive money, property, services, or other advantages from the state government, the federal government, or any other source;

(9) make grants and loans of money, property, and services for public purposes;

(10) require the attendance of witnesses and production of documents relevant to matters being considered by the governing body;

(11) hire, direct, and discharge employees and appoint and remove members of boards;

(12) ratify any action of the municipality or its officers or employees that could have been approved in advance;

(13) have a corporate seal and flag;

(14) acquire by eminent domain, as provided in Title 70, chapter 30, any interest in property for a public use authorized by law;

(15) initiate a civil action to restrain or enjoin violation of an ordinance;

(16) enter private property, obtaining warrants when necessary, for the purpose of enforcing ordinances that affect the general welfare and public safety;

(17) conduct a census;

(18) conduct inventories of public property and preparatory studies;

(19) condemn and demolish hazardous structures;

(20) purchase insurance and establish self-insurance plans;

(21) impound animals and other private property creating a nuisance or obstructing a street or highway;

(22) establish quarantines;

(23) classify all violations of city ordinances as civil infractions, with civil penalties, as provided in 7-1-4150; and

(24) exercise powers not inconsistent with law necessary for effective administration of authorized services and functions."

Section 2. Section 7-8-2202, MCA, is amended to read:

"7-8-2202. Appraisal required for certain purchases of real property or conservation easements. (1) Unless otherwise provided by law, a county, city, or town may not purchase real property ~~in an amount in excess of $10,000~~ or a conservation easement using public funds ~~in an amount in excess of $40,000~~ unless ~~the value of the property or conservation easement has been previously estimated by~~:

(a) FOR REAL PROPERTY IN AN AMOUNT IN EXCESS OF $20,000 OR A CONSERVATION EASEMENT IN AN AMOUNT IN EXCESS OF $80,000, THE VALUE HAS BEEN DETERMINED BY a disinterested certified general real estate appraiser selected by the county commission, county attorney, and landowner or by the governing body of the city or town, the city or town attorney, and the landowner; or

(b) FOR REAL PROPERTY IN AN AMOUNT LESS THAN $20,001 OR A CONSERVATION EASEMENT IN AN AMOUNT LESS THAN $80,001, THE VALUE HAS BEEN DETERMINED BY three disinterested citizens of the county, city, or town, as appropriate, appointed by the district judge.

(2) A county, CITY, OR TOWN may not pay more than the ~~appraised~~ value DETERMINED UNDER SUBSECTION (1) for the real property or conservation easement."

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

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