

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 SECTION 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 1. 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~~ IN AN AMOUNT IN EXCESS OF \$20,000 or a conservation easement using public funds ~~in an amount in excess of \$40,000~~ IN AN AMOUNT IN EXCESS OF \$80,000 unless ~~the value of the property or conservation easement has been previously estimated by~~ 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~~ APPRAISED value ~~DETERMINED UNDER~~

~~SUBSECTION (1)~~ for the real property or conservation easement."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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