



AN ACT REVISING A COUNTY'S AUTHORITY TO LEASE COUNTY PROPERTY INCLUDING PROPERTY LEASED FOR A DETENTION CENTER; ALLOWING A COUNTY TO EXTEND A LEASE TO 40 YEARS; AND AMENDING SECTIONS 7-8-2231 AND 7-32-2201, MCA.

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

**Section 1.** Section 7-8-2231, MCA, is amended to read:

**"7-8-2231. Authorization to lease county property.** (1) The board of county commissioners has jurisdiction and power, under limitations and restrictions that are prescribed by law, to lease and transfer county property, however acquired, that is not necessary to the conduct of the county's business or the preservation of county property and for which immediate sale cannot be had. The leases must be made in a manner and for purposes that, in the judgment of the board, are best suited to advance the public benefit and welfare.

(2) ~~Except as provided in 7-32-2201(5):~~

~~(a) all~~ All property must be leased subject to sale by the board; ~~and~~

~~(b) a lease may not be for a period to exceed 40~~ 40 years."

**Section 2.** Section 7-32-2201, MCA, is amended to read:

**"7-32-2201. Establishing detention center -- detention center contract -- regional detention center -- authority for county to lease its property for detention center.** For the confinement of lawfully committed persons, the governing body of a county may participate in or undertake one or more of the following:

(1) A detention center may be built or provided and kept in good repair at the expense of the county in each county, except that whenever in the discretion of the governing body of two or more local governments it is necessary or desirable to build, provide, or use a multijurisdictional detention center, they may do so in any of

the jurisdictions concerned. The multijurisdictional detention center must be built or provided and kept in good repair at the expense of the local governments concerned on a basis as the governing bodies agree.

(2) A county or two or more local governments acting together may provide for the detention center allowed by subsection (1) by:

(a) establishing in the county government the position of detention center administrator and hiring a person, who is answerable to the governing body of the county, to fill the position or appointing the sheriff as detention center administrator; or

(b) entering into an agreement with a private party under which the private party will provide, maintain, or operate the detention center.

(3) The detention centers in this state are kept by the detention center administrators of the local governments in which they are situated. In the case of a multijurisdictional detention center as provided in subsection (1), the detention center must be kept by the local governments using the detention center on a basis as the governing bodies agree.

(4) The board of county commissioners has jurisdiction and power, under limitations and restrictions that are prescribed by law, to cause a detention center to be erected, furnished, maintained, and operated. The costs must be paid for out of the county treasury.

(5) The board of county commissioners has the power to lease to any person or entity any real or personal property of the county necessary or appropriate for use as a detention center. A lease of property entered into under this section must be for a period not to exceed ~~30 years and may not be limited by 7-8-2234~~ 40 years.

(6) A county or two or more local governments acting together may enter into a lease-purchase agreement with a person or entity for a period not to exceed 20 years for the construction, furnishing, and purchasing of a detention center."

- END -

I hereby certify that the within bill,  
HB 104, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

HOUSE BILL NO. 104

INTRODUCED BY M. MALONE

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