

1 *Senate* BILL NO. *140*
 2 INTRODUCED BY *Volstead* *Walt* *Pepper* *Hoffman*
 3 *Stevens* *Graham* *Winkle* *Goodwin* *Jorgeson*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE SALE
 5 OR TRADE OF COUNTY PROPERTY BY THE GOVERNING BODY OF THE
 6 COUNTY; AMENDING SECTION 84-4197; AND REPEALING SECTION
 7 16-1009, R.C.M. 1947."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Power to sell property. (1) The governing
 11 body of a county may sell any property, real or personal,
 12 belonging to the county which is not necessary to the
 13 conduct of the county's business. Sales of property in
 14 excess of five hundred dollars (\$500) for real property and
 15 in excess of two thousand dollars (\$2,000) for personal
 16 property shall be by public auction after proper public
 17 notice. Notice of the sale shall be in accordance with the
 18 notice requirements provided in section 16-1303 for county
 19 purchases.

20 (2) County property that is not necessary for the
 21 conduct of the county business may be traded whenever a
 22 county purchases equipment as provided in section 16-1303.

23 Section 2. Section 84-4197, R.C.M. 1947, is amended to
 24 read as follows:

25 "84-4197. Sale of lands less than fifty dollar

1 valuation and other lands. That property belonging to the
 2 county of the value of less than fifty dollars (\$50.00) and
 3 property of the county acquired by means other than by tax
 4 deed may be sold as provided by section ~~16-1009~~ [1 of this
 5 act], and except so far as it may conflict with the
 6 provisions of this act, said section ~~16-1009~~ [1 of this act]
 7 shall remain in force and effect. Nothing herein contained
 8 shall be construed as repealing sections 16-1132, 16-1133,
 9 16-1134 and 16-1135."

10 Section 3. Section 16-1009, R.C.M. 1947, is repealed.

-End-

SR 140

Approved by Comm.
on Local Government

Senate BILL NO. *140*
Related with House
STEVENSON Crockett Hinkle Goodover Jergeson

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9 16-1134 and 16-1135."

10 Section 3. Section 16-1009, R.C.M. 1947, is repealed.

-End-

SENATE BILL NO. 140

INTRODUCED BY KOLSTAD, GALT, NELSON, HAZELBAKER,
STEPHENS, GRAHAM, DUNKLE, GOODOVER, JERGESON

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE SALE
OR TRADE OF COUNTY PROPERTY BY THE GOVERNING BODY OF THE
COUNTY; AMENDING SECTION ~~84-4197,--AND--REPEALING-SECTION~~
16-1009, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
(Strike everything after the enacting clause and insert:)

Section 1. Section 16-1009, R.C.M. 1947, is amended to
read as follows:

"16-1009. Sale of property. (1) The board of county
commissioners of the several counties in this state shall
have the power to sell any property, real or personal,
however acquired, belonging to the county, and which is not
necessary to the conduct of the county's business or the
preservation of its property. If the property, real or
personal, sought to be sold, is reasonably of a value in
excess of one hundred (\$100.00) dollars for real property or
a value of ~~one-thousand-dollars-(\$1,000)~~ two thousand five
hundred dollars (\$2,500) for personal property, the sale
shall be at public auction at the courthouse door after
previous notice given by publication in a newspaper

published in said county, notice to be published once a week
for four successive weeks and posted in five (5) public
places in the county. The sale shall be for cash, or on such
terms as the board of county commissioners may approve,
provided at least twenty per cent (20%) of the purchase
price shall be paid in cash. In all sales of property of a
value in excess of one hundred (\$100.00) dollars for real
property and of ~~one-thousand-dollars-(\$1,000)~~ two thousand
five hundred dollars (\$2,500) for personal property, there
must before any sale be an appraisal thereof by the board
and at a price representing a fair market value of such
property, and such appraised value shall be stated in the
notice of sale, provided, that whenever a county purchases
equipment, as provided in section 16-1803, county equipment
which is not necessary to the conduct of the county business
may be traded in as part of the purchase price after
appraisal as herein provided, or may be sold at public
auction as herein provided, in the discretion of the board
of county commissioners.

(2) The board of county commissioners shall have the
power to sell any property, real or personal, however
acquired, belonging to the county and which is not necessary
to the conduct of the county's business or the preservation
of its property, to the school district directly for its
appraised value which shall represent a fair market value of

1 such property without the necessity of a public auction. If
 2 the property to be sold to the school district is reasonably
 3 of a value in excess of one hundred (\$100.00) dollars for
 4 real property and of ~~one--thousand--dollars--(\$1,000)~~ two
 5 thousand five hundred dollars (\$2,500) for personal
 6 property, notice of the sale shall be given by publication
 7 in a newspaper in said county, notice to be published once a
 8 week for four (4) successive weeks and posted in five (5)
 9 public places in the county.

10 (3) Any taxpayer who may believe that such appraised
 11 value is less than the actual value of the property, may at
 12 any time before the day fixed for the sale of such property,
 13 file with the board of county commissioners written
 14 objections to such appraised value. When any such objection
 15 is filed it vacates the sale and the board of county
 16 commissioners must at once apply to the judge of the
 17 district court to have such property reappraised. Upon such
 18 application the district judge shall appoint for such
 19 purpose three (3) disinterested persons whose appraisal must
 20 be made and filed with the county clerk and recorder, which
 21 new appraisal or reappraisal shall be used in the next sale
 22 of such property. Such appraisers, when appointed by the
 23 district judge, and after filing their appraisal report with
 24 the county clerk and recorder, shall be allowed five dollars
 25 (\$5.00) per day for each day necessarily employed in making

1 such appraisal, and their necessary and actual expenses. No
 2 sale shall be made at public auction or to any school
 3 district without public auction of any property unless it
 4 has been appraised within three (3) months prior to the date
 5 of the sale, and no such sale shall be made for less than
 6 ninety per cent (90%) of the appraised value.

7 (4) If no bid or offer is made for any property
 8 offered for sale at public auction, after appraisal and
 9 notice given, as provided herein, the board of county
 10 commissioners may, at any time thereafter, sell such
 11 property at private sale, and may on such private sale
 12 accept as the purchase price therefor an amount not less
 13 than ninety per cent (90%) of the appraised value thereof.
 14 All deferred payments on the purchase price of any property
 15 sold, shall bear interest at the rate of six per cent (6%)
 16 per annum, payable annually and may be extended over a
 17 period of not more than five (5) years. If the property to
 18 be sold is reasonably of a value of less than one hundred
 19 dollars (\$100.00) for real property and ~~one-thousand-dollars~~
 20 ~~(\$1,000)~~ two thousand five hundred dollars (\$2,500) for
 21 personal property, sale thereof may be had at either public
 22 or private sale, as in the discretion of the board of county
 23 commissioners, may appear to be to the best interests of the
 24 county. If it be at public sale, notice shall be given by
 25 posting in five (5) public places in the county at least

1 five (5) days before the date of sale. No title to any
2 property sold under the provisions hereof, shall pass from
3 the county until the purchaser, or his assigns, shall have
4 paid the full amount of the purchase price therefor, into
5 the county treasury for the use and benefit of the county.

6 (5) Provided, however, if within one (1) year no
7 immediate sale be had of real estate attempted to be sold
8 under the provisions of this section, the board of county
9 commissioners may make trades or exchanges of such real
10 estate owned by the county for any other lands or real
11 estate of equal value located within the same county.

12 (6) The funds derived from the sale in the discretion
13 of the board of county commissioners may be credited to a
14 construction reserve account and thereafter used for capital
15 outlay for present or future construction of or an addition
16 to a courthouse, or county jail or county hospital."

-End-

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