

General Powers (53 Counties)

Section 4. General powers. (1) A local government unit without self-government powers has the following general powers:

(a) An incorporated city or town has the powers of a municipal corporation and legislative, administrative, and other powers provided or implied by law.

(b) A county has legislative, administrative, and other powers **provided or implied by law**.

(c) Other local government units have powers provided by law.

(2) The powers of incorporated cities and towns and counties shall be liberally construed.

Title 7 in Montana Code Annotated has a list of powers denied for self-governing entities (cities and counties with a charter). The Legislature tells self-governing entities what they CANNOT do; and they grant general powers governments the specific authority to do what is authorized by law.

See Article XI, Part XI, Section 6 for Self-Government Powers :

Self-Government Powers (Very few – Fergus, Anaconda/Deer Lodge, Butte/SilverBow)

Section 6. Self-government powers. A local government unit adopting a self-government charter may **exercise any power not prohibited** by this constitution, law, or charter. This grant of self-government powers may be extended to other local government units through optional forms of government provided for in section 3.

So if we don't see specific authority in statute, we can't do it. When it comes to expenditures, specifically tax dollars, what we can do is listed below from title 7, Chapter 6, Part 25. Governmental or public purposes are authorized. Giving tax money to a private telco isn't among the list of allowable expenditures...

Taxation -- Public And Governmental Purposes

7-6-2527. Taxation -- public and governmental purposes. A county may impose a property tax levy for any public or governmental purpose not specifically prohibited by law. Public and governmental purposes include but are not limited to:

(1) district court purposes as provided in [7-6-2511](#);

(2) county-owned or county-operated health care facility purposes as provided in [7-6-2512](#);

- (3) county law enforcement services and maintenance of county detention center purposes as provided in [7-6-2513](#) and search and rescue units as provided in [7-32-235](#);
- (4) multijurisdictional service purposes as provided in [7-11-1022](#);
- (5) transportation services for senior citizens and persons with disabilities as provided in [7-14-111](#);
- (6) support for a port authority as provided in [7-14-1132](#);
- (7) county road, bridge, and ferry purposes as provided in [7-14-2101](#), [7-14-2501](#), [7-14-2502](#), [7-14-2503](#), [7-14-2801](#), and [7-14-2807](#);
- (8) recreational, educational, and other activities of the elderly as provided in [7-16-101](#);
- (9) purposes of county fair activities, parks, cultural facilities, and any county-owned civic center, youth center, recreation center, or recreational complex as provided in [7-16-2102](#) and [7-16-2109](#);
- (10) programs for the operation of licensed day-care centers and homes as provided in [7-16-2108](#) and [7-16-4114](#);
- (11) support for a museum, facility for the arts and the humanities, collection of exhibits, or a museum district created under provisions of Title 7, chapter 11, part 10, or former Title 7, chapter 16, part 22;
- (12) extension work in agriculture and home economics as provided in [7-21-3203](#);
- (13) weed control and management purposes as provided in [7-22-2142](#);
- (14) insect control programs as provided in [7-22-2306](#);
- (15) fire control as provided in [7-33-2209](#);
- (16) ambulance service as provided in [7-34-102](#);
- (17) public health purposes as provided in [50-2-111](#);
- (18) public assistance purposes as provided in [53-3-115](#);
- (19) indigent assistance purposes as provided in [53-3-116](#);
- (20) developmental disabilities facilities as provided in [53-20-208](#);
- (21) mental health services as provided in [53-21-1010](#);
- (22) airport purposes as provided in [67-10-402](#) and [67-11-302](#);
- (23) purebred livestock shows and sales as provided in [81-8-504](#);
- (24) economic development purposes as provided in [90-5-112](#);
- (25) prevention programs, including programs that reduce substance abuse; and
- (26) forest or grassland hazardous fuels reduction projects in areas near homes and communities where wildland fire is a threat.

History: En. Sec. 7, Ch. 453, L. 2005; amd. Sec. 3, Ch. 317, L. 2005; amd. Sec. 10, Ch. 505, L. 2007; amd. Sec. 1, C

