

HOUSE BILL NO. 242

INTRODUCED BY THOMAS, DEVLIN, DRISCOLL, R. MANNING
BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE HOUSE

JANUARY 17, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 18, 1991	FIRST READING.
JANUARY 24, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 25, 1991	PRINTING REPORT.
JANUARY 26, 1991	ON MOTION, CONSIDERATION PASSED.
JANUARY 28, 1991	SECOND READING, DO PASS.
JANUARY 29, 1991	ENGROSSING REPORT.
JANUARY 30, 1991	THIRD READING, PASSED. AYES, 88; NOES, 9.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 31, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 7, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 9, 1991	SECOND READING, CONCURRED IN.
FEBRUARY 11, 1991	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 12, 1991

RECEIVED FROM SENATE.

FEBRUARY 21, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 242
 2 INTRODUCED BY Thomas A. ...
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
 4 Russell Richard E. Manning
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW STATE
 6 EMPLOYEES INVOLUNTARILY TERMINATED FROM EMPLOYMENT TO ENTER
 7 INTO CONTRACTS WITH THE STATE IMMEDIATELY FOLLOWING THEIR
 8 TERMINATION; AMENDING SECTION 2-2-201, MCA; AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 2-2-201, MCA, is amended to read:

13 "2-2-201. Public officers, employees, and former
 14 employees not to have interest in contracts. Members of the
 15 legislature, state, county, city, town, or township officers
 16 or any deputy or employee thereof must not be interested in
 17 any contract made by them in their official capacity or by
 18 any body, agency, or board of which they are members or
 19 employees. A former employee may not, within 6 months
 20 following the termination of his employment, contract or be
 21 employed by an employer who contracts with the state or any
 22 of its subdivisions involving matters with which he was
 23 directly involved during his employment. In this section the
 24 term:

25 (1) "be interested in" does not include holding a

1 minority interest in a corporation;
 2 (2) "contract" does not include:
 3 (a) contracts awarded to the lowest responsible bidder
 4 or proposer based on competitive bidding procedures;
 5 (b) merchandise sold to the highest bidder at public
 6 auctions;
 7 (c) investments or deposits in financial institutions
 8 which are in the business of loaning or receiving money;
 9 (d) a contract with an interested party if, because of
 10 geographic restrictions, a local government could not
 11 otherwise reasonably afford itself of the subject of the
 12 contract. It shall be presumed that a local government could
 13 not otherwise reasonably afford itself of the subject of a
 14 contract if the additional cost to the local government is
 15 greater than 10% of a contract with an interested party or
 16 if the contract is for services that must be performed
 17 within a limited time period and no other contractor can
 18 provide those services within that time period.
 19 (3) "former employee" does not include a person whose
 20 employment with the state was involuntarily terminated due
 21 to a reduction in force or other involuntary termination not
 22 involving violation of the provisions of this chapter."

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

-End-
 -2-
 INTRODUCED BILL
 HB 242



APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 House BILL NO. 242
2 INTRODUCED BY Thomas Mackin
3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
4 Daniel Richard E. Manning

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW STATE
6 EMPLOYEES INVOLUNTARILY TERMINATED FROM EMPLOYMENT TO ENTER
7 INTO CONTRACTS WITH THE STATE IMMEDIATELY FOLLOWING THEIR
8 TERMINATION; AMENDING SECTION 2-2-201, MCA; AND PROVIDING AN
9 IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

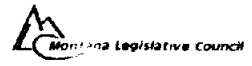
12 **Section 1.** Section 2-2-201, MCA, is amended to read:

13 "2-2-201. Public officers, employees, and former
14 employees not to have interest in contracts. Members of the
15 legislature, state, county, city, town, or township officers
16 or any deputy or employee thereof must not be interested in
17 any contract made by them in their official capacity or by
18 any body, agency, or board of which they are members or
19 employees. A former employee may not, within 6 months
20 following the termination of his employment, contract or be
21 employed by an employer who contracts with the state or any
22 of its subdivisions involving matters with which he was
23 directly involved during his employment. In this section the
24 term:

25 (1) "be interested in" does not include holding a

1 minority interest in a corporation;
2 (2) "contract" does not include:
3 (a) contracts awarded to the lowest responsible bidder
4 or proposer based on competitive bidding procedures;
5 (b) merchandise sold to the highest bidder at public
6 auctions;
7 (c) investments or deposits in financial institutions
8 which are in the business of loaning or receiving money;
9 (d) a contract with an interested party if, because of
10 geographic restrictions, a local government could not
11 otherwise reasonably afford itself of the subject of the
12 contract. It shall be presumed that a local government could
13 not otherwise reasonably afford itself of the subject of a
14 contract if the additional cost to the local government is
15 greater than 10% of a contract with an interested party or
16 if the contract is for services that must be performed
17 within a limited time period and no other contractor can
18 provide those services within that time period.
19 (3) "former employee" does not include a person whose
20 employment with the state was involuntarily terminated due
21 to a reduction in force or other involuntary termination not
22 involving violation of the provisions of this chapter."
23 **NEW SECTION. Section 2.** Effective date. [This act] is
24 effective on passage and approval.

-End- SECOND READING
-2- HB 242



1 House BILL NO. 242
2 INTRODUCED BY Thomas Austin

3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
4 Desiree Richard E. Manning
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW STATE
6 EMPLOYEES INVOLUNTARILY TERMINATED FROM EMPLOYMENT TO ENTER
7 INTO CONTRACTS WITH THE STATE IMMEDIATELY FOLLOWING THEIR
8 TERMINATION; AMENDING SECTION 2-2-201, MCA; AND PROVIDING AN
9 IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 2-2-201, MCA, is amended to read:

13 "2-2-201. Public officers, employees, and former
14 employees not to have interest in contracts. Members of the
15 legislature, state, county, city, town, or township officers
16 or any deputy or employee thereof must not be interested in
17 any contract made by them in their official capacity or by
18 any body, agency, or board of which they are members or
19 employees. A former employee may not, within 6 months
20 following the termination of his employment, contract or be
21 employed by an employer who contracts with the state or any
22 of its subdivisions involving matters with which he was
23 directly involved during his employment. In this section the
24 term:

25 (1) "be interested in" does not include holding a

1 minority interest in a corporation;

2 (2) "contract" does not include:

3 (a) contracts awarded to the lowest responsible bidder
4 or proposer based on competitive bidding procedures;

5 (b) merchandise sold to the highest bidder at public
6 auctions;

7 (c) investments or deposits in financial institutions
8 which are in the business of loaning or receiving money;

9 (d) a contract with an interested party if, because of
10 geographic restrictions, a local government could not
11 otherwise reasonably afford itself of the subject of the
12 contract. It shall be presumed that a local government could
13 not otherwise reasonably afford itself of the subject of a
14 contract if the additional cost to the local government is
15 greater than 10% of a contract with an interested party or
16 if the contract is for services that must be performed
17 within a limited time period and no other contractor can
18 provide those services within that time period.

19 (3) "former employee" does not include a person whose
20 employment with the state was involuntarily terminated due
21 to a reduction in force or other involuntary termination not
22 involving violation of the provisions of this chapter."

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

-End- THIRD READING

-2- HB 242



HOUSE BILL NO. 242

INTRODUCED BY THOMAS, DEVLIN, DRISCOLL, R. MANNING

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW STATE EMPLOYEES INVOLUNTARILY TERMINATED FROM EMPLOYMENT TO ENTER INTO CONTRACTS WITH THE STATE IMMEDIATELY FOLLOWING THEIR TERMINATION; AMENDING SECTION 2-2-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 2-2-201, MCA, is amended to read:

"2-2-201. Public officers, employees, and former employees not to have interest in contracts. Members of the legislature, state, county, city, town, or township officers or any deputy or employee thereof must not be interested in any contract made by them in their official capacity or by any body, agency, or board of which they are members or employees. A former employee may not, within 6 months following the termination of his employment, contract or be employed by an employer who contracts with the state or any of its subdivisions involving matters with which he was directly involved during his employment. In this section the term:

(1) "be interested in" does not include holding a

minority interest in a corporation;

(2) "contract" does not include:

(a) contracts awarded to the lowest responsible bidder or proposer based on competitive bidding procedures;

(b) merchandise sold to the highest bidder at public auctions;

(c) investments or deposits in financial institutions which are in the business of loaning or receiving money;

(d) a contract with an interested party if, because of geographic restrictions, a local government could not otherwise reasonably afford itself of the subject of the contract. It shall be presumed that a local government could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the local government is greater than 10% of a contract with an interested party or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period.

(3) "former employee" does not include a person whose employment with the state was involuntarily terminated due to a reduction in force or other involuntary termination not involving violation of the provisions of this chapter."

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

-End-

REFERENCE BILL

-2-

HB 242

