

SENATE BILL NO. 179

INTRODUCED BY PIPINICH, LARSON, DAVIS, GILBERT,
WATERMAN, B. BROWN

IN THE SENATE

JANUARY 23, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

 FIRST READING.

JANUARY 31, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

 POSTED ON CONSENT CALENDAR.

FEBRUARY 2, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.

 PRINTING REPORT.

FEBRUARY 4, 1991 THIRD READING, PASSED.
AYES, 49; NOES, 0.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 5, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

 FIRST READING.

MARCH 9, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

 POSTED ON CONSENT CALENDAR.

MARCH 10, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.

MARCH 12, 1991 THIRD READING, CONCURRED IN.
AYES, 96; NOES, 1.

 RETURNED TO SENATE.

IN THE SENATE

MARCH 13, 1991 RECEIVED FROM HOUSE.

 SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 ~~SENATE~~ BILL NO. 179
 2 INTRODUCED BY Bob Tjornish Lawan Jones
 3 Billbert Mignor Water Bob Brown

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE TRUSTEES
 5 OF A SCHOOL DISTRICT TO WAIVE CERTAIN MEETING AND BIDDING
 6 REQUIREMENTS WHEN AN UNFORESEEN EMERGENCY OCCURS; AMENDING
 7 SECTIONS 20-9-204 AND 20-3-322, MCA; AND PROVIDING AN
 8 IMMEDIATE EFFECTIVE DATE."

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

11 **Section 1.** Section 20-9-204, MCA, is amended to read:

12 "20-9-204. Conflicts of interests, letting contracts,
 13 and calling for bids. (1) It is unlawful for any trustee to:

14 (a) have any pecuniary interest, either directly or
 15 indirectly, in any contract made by him in his official
 16 capacity or by the board of trustees of which he is a
 17 member; or

18 (b) be employed in any capacity by the school district
 19 of which he is trustee.

20 (2) For the purposes of subsection (1):

21 (a) "pecuniary interest" does not include holding an
 22 interest of 10% or less in a corporation;

23 (b) "contract" does not include:

24 (i) merchandise sold to the highest bidder at public
 25 auctions;

1 (ii) investments or deposits in financial institutions
 2 which that are in the business of loaning or receiving money
 3 when such the investments or deposits are made on a rotating
 4 or ratable basis among financial institutions in the
 5 community or when there is only one financial institution in
 6 the community; or

7 (iii) contracts for professional services other than
 8 salaried services or for maintenance or repair services or
 9 supplies when the services or supplies are not reasonably
 10 available from other sources if the interest of any board
 11 member and a determination of such the lack of availability
 12 are entered in the minutes of the board meeting at which the
 13 contract is considered.

14 (3) Whenever Except for district needs that must be met
 15 due to an unforeseen emergency as defined in 20-3-322(5),
 16 whenever the estimated cost of any building, furnishing,
 17 repairing, or other work for the benefit of the district or
 18 purchasing of supplies for the district exceeds the sum of
 19 \$7,500, the work done or the purchase made shall must be by
 20 contract. Each such contract must be let to the lowest
 21 responsible bidder after advertisement for bids. Such The
 22 advertisement shall must be published in the newspaper which
 23 that will give notice to the largest number of people of the
 24 district as determined by the trustees. Such The
 25 advertisement shall must be made once each week for 2

1 consecutive weeks and the second publication ~~shall~~ must be
 2 made not less than 5 days or more than 12 days before
 3 consideration of bids. A contract not let pursuant to this
 4 section ~~shall-be~~ is void.

5 (4) Whenever bidding is required, the trustees shall
 6 award the contract to the lowest responsible bidder, except
 7 that the trustees may reject any or all bids.

8 (5) Nothing in this section ~~shall-require~~ requires the
 9 board of trustees to let a contract for any routine and
 10 regularly performed maintenance or repair project or service
 11 which that can be accomplished by district staff whose
 12 regular employment with ~~such~~ the school district is related
 13 to the routine performance of maintenance for ~~such~~ the
 14 district."

15 **Section 2.** Section 20-3-322, MCA, is amended to read:

16 "20-3-322. Meetings and quorum. (1) The trustees of a
 17 district shall hold at least the following number of regular
 18 meetings:

- 19 (a) an organization meeting, as prescribed by 20-3-321;
 20 (b) a preliminary budget meeting, as prescribed by
 21 20-9-113; and
 22 (c) in first-class elementary districts, not less than
 23 one regular meeting per month; or
 24 (d) in any other district, regular meetings during the
 25 months of April, July, October, and January.

1 (2) The trustees of the district shall adopt a policy
 2 setting the day and time for the minimum number of regular
 3 school meetings prescribed in subsection (1)(c) or (1)(d)
 4 and, in addition, any other regular meeting days the
 5 trustees wish to establish, ~~such~~. Except for an unforeseen
 6 emergency, meetings ~~shall~~ must be conducted in school
 7 buildings or on other property belonging to the district.

8 (3) Special meetings of the trustees may be called by
 9 the chairman or any two members of the trustees by giving
 10 each member a 48-hour written notice of the meeting, except
 11 that the 48-hour notice is waived in an unforeseen
 12 emergency.

13 (4) ~~No-business-shall~~ Business may not be transacted by
 14 the trustees of a district unless it is transacted at a
 15 regular meeting or a properly called special meeting. A
 16 quorum for any meeting ~~shall--be~~ is a majority of the
 17 trustees' membership. All trustee meetings ~~shall~~ must be
 18 public meetings, as prescribed by 2-3-201, except that the
 19 trustees may recess to an executive session under the
 20 provisions of 2-3-203.

21 (5) For the purposes of subsections (2) and (3),
 22 "unforeseen emergency" means a storm, fire, explosion,
 23 community disaster, insurrection, act of God, or other
 24 unforeseen destruction or impairment of school district
 25 property that affects the health and safety of the trustees,

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1 students, or district employees or the educational functions
2 of the district."

3 NEW SECTION. Section 3. Effective date. [This act] is
4 effective on passage and approval.

-End-

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 2 INTRODUCED BY *Bob Tipinich Laura Jones*
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18 (b) be employed in any capacity by the school district
 19 of which he is trustee.

20 (2) For the purposes of subsection (1):

21 (a) "pecuniary interest" does not include holding an
 22 interest of 10% or less in a corporation;

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 13 contract is considered.

14 (3) Whenever Except for district needs that must be met
 15 due to an unforeseen emergency as defined in 20-3-322(5),
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 17 repairing, or other work for the benefit of the district or
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1 consecutive weeks and the second publication ~~shall~~ must be
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21 (5) For the purposes of subsections (2) and (3),
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