

1 House BILL NO. 675  
2 INTRODUCED BY Ellison Burnett Weyrich Cox

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION  
5 16-1803, R.C.M. 1947, TO ALLOW A COUNTY GOVERNING BODY TO  
6 PURCHASE USED EQUIPMENT AT AUCTION FOR A PRICE UP TO  
7 \$30,000."

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

10 Section 1. Section 16-1803, R.C.M. 1947, is amended to  
11 read as follows:

12 "16-1803. Procedure when request for bids is necessary  
13 in making contracts for purchases and for construction of  
14 buildings, roads and bridges exceeding ten thousand dollars  
15 (\$10,000). (1) No contract shall be entered into by a county  
16 governing body for the purchase of any vehicle, or road  
17 machinery, or for any other machinery, apparatus, appliances  
18 or equipment, or for any materials or supplies of any kind  
19 for which must be paid a sum in excess of ten thousand  
20 dollars (\$10,000), or for the construction of any building,  
21 road or bridge for which must be paid a sum in excess of ten  
22 thousand dollars (\$10,000), without first publishing a  
23 notice calling for bids for furnishing the same, which  
24 notice must be published at least once a week, for three (3)  
25 consecutive weeks before the date fixed therein for

1 receiving bids, in the official newspaper of the county, and  
2 every such contract shall be let to the lowest and best  
3 responsible bidder; provided that the provisions of this  
4 section shall not apply to contracts for public printing  
5 entered into in accordance with the provisions of chapter 12  
6 of Title 16 and provided further, that the provisions of  
7 this section shall not apply to contracts for purchases,  
8 which in the opinion of the governing body, are made  
9 necessary by fires, flood, explosion, storm, earthquake, or  
10 other elements, epidemic, riot, insurrection, or for the  
11 immediate preservation of order, or of the public health, or  
12 for the restoration of a condition of usefulness which has  
13 been destroyed by accident, wear, tear, mischief, or for the  
14 relief of a stricken community overtaken by calamity.

15 (2) When the amount to be paid as the purchase price  
16 for any vehicle, or road machinery of any kind, or for any  
17 other machinery, apparatus, appliance or equipment, or for  
18 any materials or supplies of any kind, shall exceed four  
19 thousand dollars (\$4,000) the county governing body may  
20 provide for the payment of such purchase price in  
21 installments extending over a period of not more than five  
22 (5) years; provided that, at the time of entering into the  
23 agreement for such purchase, there shall be an unexpended  
24 balance of appropriation in the budget for the then current  
25 fiscal year available and sufficient to meet and take care

1 of such portion of the purchase price as is payable during  
 2 the then current fiscal year, and the budget for each  
 3 following year, in which any portion of such purchase price  
 4 is to be paid, shall contain an appropriation for the  
 5 purpose of paying the same.

6 (3) Every contract entered into for the rental of  
 7 machinery, equipment, apparatus, appliances, materials or  
 8 supplies of any kind, which shall provide for payment of  
 9 rental, by the county, and that after a certain fixed amount  
 10 has been paid as rental, the property shall become the  
 11 property of the county, or any other similar provisions or  
 12 conditions, shall be deemed and construed to be a contract  
 13 for sale of such property, and all of the provisions of this  
 14 section shall apply thereto and govern and control the same.

15 (4) On any purchase contract entered into by a county  
 16 governing body for the purchase of any vehicle, machinery,  
 17 appliances, apparatus, building or materials and supplies,  
 18 for which must be paid a sum in excess of four thousand  
 19 dollars (\$4,000) but less than ten thousand dollars  
 20 (\$10,000), bids shall be solicited without advertising, from  
 21 persons, firms or corporations who have caused to be filed  
 22 with the governing body of the county a request, in writing,  
 23 that its name be listed with the governing body for  
 24 solicitations on the particular items set forth in the  
 25 request, and the governing body of the county shall let such

1 contract to the lowest and best responsible bidder. However,  
 2 if a person, firm, or corporation whose name is listed fails  
 3 for a period of one (1) year to respond to any solicitation  
 4 for bids, such listing may be cancelled. The governing body  
 5 shall solicit bids of prospective suppliers whose names are  
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 8 advertisements. In lieu of soliciting bids, the governing  
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 12 or any such equipment that is used, for which must be paid a  
 13 sum less than \$30,000, at public auction. Compliance with  
 14 the provisions of the section shall be considered as meeting  
 15 the requirements of section 16-1803 (1).

16 (5) The state department of administration may serve  
 17 as a purchasing agent for the county governing body by  
 18 mutual consent of both parties."

-End-

Approved by Comm.  
on Local Government

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SECOND READING

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1 of such portion of the purchase price as is payable during  
 2 the then current fiscal year, and the budget for each  
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-End-

March 10, 1977

STANDING COMMITTEE REPORT  
Senate Committee on Local Government

That House Bill No. 675 be amended as follows:

1. Amend page 4, section 1, line 9.  
Following: "any"  
Strike: "new"