

CHAPTER NO. 58

HOUSE BILL NO. 183

INTRODUCED BY MARKS

BY REQUEST OF THE CODE COMMISSIONER

IN THE HOUSE

January 16, 1979	Introduced and referred to Committee on Judiciary.
January 22, 1979	Committee recommend bill do pass as amended and be placed on Consent Calendar. Report adopted.
January 23, 1979	Printed and placed on members' desks.
January 25, 1979	Third reading Consent Calendar passed. Transmitted to second house.

IN THE SENATE

January 26, 1979	Introduced and referred to Committee on Labor and Employment Relations.
February 9, 1979	Committee recommend bill be concurred in. Report adopted.
February 12, 1979	Second reading, concurred in.
February 14, 1979	Third reading, concurred in.

IN THE HOUSE

February 15, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 HOUSE BILL NO. 183
 2 INTRODUCED BY Mark
 3 BY REQUEST OF THE CODE COMMISSIONER

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 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 6 CLARIFY THE LAW RELATING TO PUBLIC CONTRACTS; REPEALING
 7 SECTION 18-5-104, MCA."

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

10 Section 1. Section 18-2-403, MCA, is amended to read:

11 "18-2-403. Preference of Montana labor in public works
 12 -- wages -- federal exception. (1) In ~~all~~---contracts
 13 hereafter any contract let for state, county, municipal,
 14 school, or heavy highway construction, services, repair, and
 15 or maintenance work under any ~~of the laws~~ law of this state,
 16 there shall be inserted in ~~each--of--said--contracts~~ the
 17 contract a provision by which requiring the contractor must
 18 to give preference to the employment of bona fide Montana
 19 residents in the performance of ~~said~~ the work and must
 20 further to pay the standard prevailing rate of wages,
 21 including fringe benefits for health and welfare and pension
 22 contributions and travel allowance provisions, in effect and
 23 applicable to the county or locality in which the work is
 24 being performed.

25 (2) No contract ~~shall may~~ be let to any person, firm,

1 association, or corporation refusing to execute an agreement
 2 with the above-mentioned provisions in it, provided that in
 3 contracts involving the expenditure of federal-aid funds
 4 this part ~~shall may~~ not be enforced in such a manner as to
 5 conflict with or be contrary to the federal statutes
 6 prescribing a labor preference to honorably discharged
 7 soldiers, sailors, and marines veterans of the armed forces
 8 and prohibiting as unlawful any other preference or
 9 discrimination among citizens of the United States."

10 Section 2. Section 18-4-212, MCA, is amended to read:

11 "18-4-212. Bid security or performance bond. With any
 12 proposal, the department may require a certified check on
 13 some responsible bank, payable to the treasurer of the
 14 state, equal in amount to 5 ~~10~~% of the sum of the proposal,
 15 or a bid bond issued by a licensed surety company as a
 16 guarantee for the faithful performance of any contract
 17 awarded. After the award is made, all checks deposited as a
 18 guarantee shall be returned, except that of the successful
 19 bidder, whose check shall be held until the contract is
 20 signed and the performance bond is filed and approved, if a
 21 performance bond is required."

22 Section 3. Section 18-6-101, MCA, is amended to read:

23 "18-6-101. Power to sell state property ~~==~~ proceeds
 24 credited to general fund. (1) The department has exclusive
 25 power, subject to the approval of the governor, to sell or

1 otherwise dispose of or to authorize the sale or other
2 disposition of all materials and supplies, services
3 equipment, or other personal property of every kind now
4 owned by the state of ~~Montana~~ but not needed or used by any
5 state institution or by any department of state government.

6 ~~(2) Unless otherwise provided by law, the department~~
7 ~~shall credit the general fund with all money received."~~

8 Section 4. Section 18-7-101, MCA, is amended to read:

9 "18-7-101. Power to contract for printing. (1) The
10 department has exclusive power, subject to the approval of
11 the governor, to contract for all printing for any purpose
12 used by the state in any state office (elective or
13 appointive), agency, or institution ~~except the printing of~~
14 ~~the decisions of the supreme court as provided in title 3,~~
15 ~~chapter 2, part 6.~~

16 (2) The department shall supervise and attend to all
17 public printing of the state as provided in this chapter and
18 shall prevent duplication and unnecessary printing.

19 (3) All forms, blanks, and documents printed for
20 distribution to the state agencies and institutions shall be
21 serially numbered and indexed by the department and sample
22 copies of each permanently retained, and the department
23 shall from time to time furnish to the public general
24 information as to the nature, description, and official
25 numbers of such reports as are available for public

1 distribution.

2 (4) Unless otherwise provided by law, the department,
3 in letting contracts as provided in this chapter, for the
4 printing, binding, and publishing of all laws, journals, and
5 reports of the state agencies and institutions may determine
6 the quantity, quality, style, and grade of all such
7 printing, binding, and publishing."

8 Section 5. Section 18-7-102, MCA, is amended to read:

9 "18-7-102. Montana printers preferred for ~~supreme~~
10 ~~court decisions,~~ session laws, and codes. (1) The department
11 of administration shall, as occasion may require, call for
12 bids for the printing and/or the binding of all decisions of
13 the supreme court of Montana, all session laws, and
14 resolutions ~~and memorials,~~ and all codes ~~and statutes~~
15 ~~(revised or otherwise).~~

16 (2) All contracts for the printing and/or binding
17 thereof required by subsection (1) shall be let to
18 contractors, publishers, or printers ~~actually~~ doing business
19 within the state of ~~Montana,~~ and all labor on or connected
20 with such ~~the~~ printing and/or binding ~~shall~~ must be
21 performed within the state, ~~of Montana, and no such printing~~
22 ~~or binding shall be done or performed without the state of~~
23 ~~Montana, provided, however, that nothing~~ Nothing herein
24 contained ~~shall prevent~~ prohibits the receipt of bids from
25 contractors, publishers, or printers doing business outside

1 of Montana. ~~In--the--event--that~~ If the bids for such ~~the~~
2 printing and/or binding from contractors, publishers, or
3 printers ~~actually~~ doing business within the state of ~~Montana~~
4 ~~are-in-excess-of~~ exceed by 10% of the bids received for such
5 printing and/or binding from contractors, printers, or
6 publishers doing business outside the state of ~~Montana~~, ~~the~~
7 contracts on such bids may be ~~yet-or~~ awarded to contractors,
8 publishers, or printers outside the state of ~~Montana~~ and the
9 labor thereon performed outside of Montana."

10 Section 6. Repealer. Section 18-5-104, MCA, is
11 repealed.

-End-

Approved by Committee
on Judiciary

HOUSE BILL NO. 183

INTRODUCED BY MARKS

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAW RELATING TO PUBLIC CONTRACTS; REPEALING SECTION 18-5-104, MCA."

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

SECTION 1. SECTION 18-1-412, MCA, IS AMENDED TO READ:

"18-1-412. Service of process upon attorney general. The In addition to any other requirement for service of process contained in Rule 40(2)(b), M.R.Civ.P., the attorney general of the state of Montana is hereby designated as the person upon whom all process shall be served in actions under the provisions of this part."

Section 2. Section 18-2-403, MCA, is amended to read:

"18-2-403. Preference of Montana labor in public works -- wages -- federal exception. (1) In ~~all~~ contracts hereafter any contract let for state, county, municipal, school, or heavy highway construction, services, repair, and or maintenance work under any ~~of-the-law~~ law of this state, there shall be inserted in ~~each--of--said--contracts~~ the contract a provision by which requiring the contractor must to give preference to the employment of bona fide Montana

residents in the performance of ~~said~~ the work and ~~must~~ further to pay the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions, in effect and applicable to the county or locality in which the work is being performed.

(2) No contract ~~shall~~ may be let to any person, firm, association, or corporation refusing to execute an agreement with the above-mentioned provisions in it, provided that in contracts involving the expenditure of federal-aid funds this part ~~shall~~ may not be enforced in such a manner as to conflict with or be contrary to the federal statutes prescribing a labor preference to honorably discharged ~~soldiers--sailors--and--marines~~ veterans of the armed forces and prohibiting as unlawful any other preference or discrimination among citizens of the United States."

Section 3. Section 18-4-212, MCA, is amended to read:

"18-4-212. Bid security or performance bond. With any proposal, the department may require a certified check on some responsible bank, payable to the treasurer of the state, equal in amount to 5 to of the sum of the proposal, or a bid bond issued by a licensed surety company as a guarantee for the faithful performance of any contract awarded. After the award is made, all checks deposited as a guarantee shall be returned, except that of the successful

1 bidder, whose check shall be held until the contract is
2 signed and the performance bond is filed and approved, if a
3 performance bond is required."

4 Section 4. Section 18-6-101, MCA, is amended to read:

5 "18-6-101. Power to sell state property ~~proceeds~~
6 ~~credited to general fund.~~ (1) The department has exclusive
7 power, subject to the approval of the governor, to sell or
8 otherwise dispose of or to authorize the sale or other
9 disposition of all materials and supplies, services
10 equipment, or other personal property of every kind now
11 owned by the state of Montana but not needed or used by any
12 state institution or by any department of state government.

13 ~~(2) Unless otherwise provided by law, the department~~
14 ~~shall credit the general fund with all money received."~~

15 Section 5. Section 18-7-101, MCA, is amended to read:

16 "18-7-101. Power to contract for printing. (1) ~~The~~
17 ~~EXCEPT AS PROVIDED IN 1-11-301, THE~~ department has exclusive
18 power, subject to the approval of the governor, to contract
19 for all printing for any purpose used by the state in any
20 state office (elective or appointive), agency, or
21 institution ~~except the printing of the decisions of the~~
22 ~~supreme court as provided in Title 3, chapter 2, part 6.~~

23 (2) The department shall supervise and attend to all
24 public printing of the state as provided in this chapter and
25 shall prevent duplication and unnecessary printing.

1 (3) All forms, blanks, and documents printed for
2 distribution to the state agencies and institutions shall be
3 serially numbered and indexed by the department and sample
4 copies of each permanently retained, and the department
5 shall from time to time furnish to the public general
6 information as to the nature, description, and official
7 numbers of such reports as are available for public
8 distribution.

9 (4) Unless otherwise provided by law, the department,
10 in letting contracts as provided in this chapter, for the
11 printing, binding, and publishing of all laws, journals, and
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21 resolutions and ~~memorials,~~ and all codes and ~~statutes~~
22 ~~(revised or otherwise).~~

23 (2) All contracts for the printing and/or binding
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7 contractors, publishers, or printers doing business outside
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2 further ~~to~~ pay the standard prevailing rate of wages,
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