HOUSE BILL NO. 166

INTRODUCED BY MILLER

IN THE HOUSE

IN THE H	OUSE
January 11, 1983	Introduced and referred to Committee on Education and Cultural Resources.
January 22, 1983	Committee recommend bill do pass as amended. Report adopted.
January 24, 1983	Bill printed and placed on members' desks.
January 25, 1983	Second reading, do pass.
January 26, 1983	Considered correctly engrossed.
	On motion, previous action reconsidered.
	On motion, taken from engrossing and referred to second reading.
	Second reading, do pass as amended.
January 27, 1983	Considered correctly engrossed.
January 28, 1983	Third reading, passed. Transmitted to Senate.
IN THE S	enate
January 29, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 5, 1983	Committee recommend bill be concurred in as amended.

Report adopted.

March 8, 1983

March 10, 1983

Second reading, concurred in.

Third reading, concurred in. Ayes, 49; Noes, 0.

IN THE HOUSE

March 10, 1983

March 30, 1983

March 31, 1983

Returned to House with amendments.

Second reading, amendments concurred in.

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

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1	INTRODUCED BY Milly
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE LIMIT
5	ON THE AMOUNT THAT A SCHOOL DISTRICT CAN EXPEND WITHOUT

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

10 Section 1. Section 20-9-204, MCA, is amended to read: 11 "20-9-204. Conflicts of interests, letting contracts.

and calling for bids. (1) It is unlawful for any trustee to:

GOING THROUGH THE BID PROCESS: AMENDING SECTION 20-9-204.

- (a) have any pecuniary interest, either directly or indirectly, in any contract made by him in his official capacity or by the board of trustees of which he is a member; or
- (b) be employed in any capacity by the school district of which he is trustee.
 - (2) For the purposes of subsection (1):
- 20 (a) "pecuniary interest" does not include holding an 21 interest of 10% or less in a corporation:
 - (b) "contract" does not include:
- 23 (i) merchandise sold to the highest bidder at public 24 auctions:
 - (ii) investments or deposits in financial institutions

which are in the business of loaning or receiving money when such investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only mone financial institution in the community; or

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

(3) Whenever the estimated cost of any building, furnishing, repairing, or other work for the benefit of the district or purchasing of supplies for the district exceeds the sum of \$4,000 \$10.000, the work done or the purchase made shall be by contract. Each such contract must be let to the lowest responsible bidder after advertisement for bids. Such advertisement shall be published in the newspaper which will give notice to the largest number of people of the district as determined by the trustees. Such advertisement shall be made once each week for 2 consecutive weeks and the second publication shall be made not less than 5 days or more than 12 days before consideration of bids. A contract not let pursuant to this section shall be void-

- 1 (4) Whenever bidding is required, the trustees shall
- 2 award the contract to the lowest responsible bidder, except
- 3 that the trustees may reject any or all bids.

-End-

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auctions:

HB 0166/02

App. by comm. on education and cultural resources

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE LIMIT ON THE AMOUNT THAT A SCHOOL DISTRICT CAN EXPEND WITHOUT GOING THROUGH THE FORMAL BID PROCESS; CLARIFYING THE BIDDING REGULTREMENTS: AND AMENDING SECTION 20-9-204, MCA." 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 20-9-204, MCA, is amended to read: 10 *20-9-204. Conflicts of interests, letting contracts, 11 and calling for bids. (1) It is unlawful for any trustee to: 13 (a) have any pecuniary interest, either directly or 14 indirectly, in any contract made by him in his official capacity or by the board of trustees of which he is a 15 16 member; or 17 (b) be employed in any capacity by the school district of which he is trustee.

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

interest of 10% or less in a corporation;

(b) "contract" does not include:

(a) "pecuniary interest" does not include holding an

(i) merchandise sold to the highest bidder at public

(ii) investments or deposits in financial institutions

HOUSE BILL NO. 166

INTRODUCED BY MILLER

which are in the business of loaning or receiving money when 1 such investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one financial institution in the community; or (iii) contracts for professional services other than salaried services or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources if the interest of any board 10 member and a determination of such lack of availability are entered in the minutes of the board meeting at which the 11 12 contract is considered. 13 13}--Whenever--the--estimated--cost--of--any--buildings 14 furnishingy-repairingy-or-other-work-for-the-benefit of-the 15 district--or-purchasing-of-supplies-for-the-district-exceeds 16 the-sum-of-44y000 <u>#18y000</u>y-the-work-done-or-the-purchase 17 made-shall-be-by-contracty-Each-such-contract-must-be-let-to 18 the-lowest-responsible-bidder-after-advertisement-for-bids-19 Such-advertisement-shall-be-published-in-the-newspaper-which will-give-notice-to-the-largest--number--of--people--of--the 20 21 district -as -determined by the trustees, Such advertisement 22 shall-be-made-once-each-week-for-2-consecutive-weeks-and-the second-publication-shell-be-made-not-less-than--5--days--or 23

more--than--12-days-before-consideration-of-bidse-A-contract

not-let-pursuant-to-this-section-shall-be-void-

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HB 166

HB 0166/02

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2	award—the-contract-to-the-lowest-responsible-biddery-except
3	that-the-trustees-may-reject-any-or-all-bids:
4	(3) THE BOARD OF TRUSTEES SHALL LET CONTRACTS FOR
5	BUILDING. FURNISHING. REPAIRING. OR OTHER WORK OR SUPPLIES
6	FOR THE BENEFIT OF THE DISTRICT ACCORDING TO THE FOLLOWING
7	RULES AND PRIXEDIRES:
8	(A) THE BOARD OF TRUSTEES NEED NOT MEET REQUIREMENTS
9	RELATING TO ADVERTISING OR BIDDING IF A PROPOSED CONTRACT
10	FOR BUILDING. FURNISHING. REPAIRING. OR OTHER WORK OR
11	SUPPLIES IS FOR LESS THAN \$5.000.
12	(B) WHENEVER THE PROPOSED CONTRACT COSTS ARE LESS THAN
13	\$25.000 BUT MORE THAN \$5.000. THE BOARD OF TRUSTEES SHALL
14	PROCURE AT LEAST THREE INFORMAL BIDS. IN WRITING. IF
15	REASONABLY AVAILABLE FROM CONTRACTORS LICENSED IN HONTANA.
16	(C) WHENEVER THE PROPOSED CONTRACT COSTS ARE MORE THAN
17	\$25.000. THE BOARD OF TRUSTEES SHALL SULICIT FORMAL BLOS AND
18	ADVERTISE ONCE EACH NEEK FOR AT LEAST 2 NEEKS IN A NEWSPAPER
19	PUBLISHED IN EACH COUNTY WHEREIN THE AREA OF THE DISTRICT
20	LIES. CALLING FOR BIDS TO PERFORM SUCH WORK OR FURNISH SUCH
21	SUPPLIES. IF ADVERTISING IS REQUIRED. THE BOARD SHALL AWARD
22	THE CONTRACT TO THE LOWEST RESPONSIBLE BIDDER. HOWEVER. THE
23	BOARD OF TRUSTEES HAS THE RIGHT TO REJECT ANY AND ALL BIDS.
24	IDI NOTHING IN THIS SECTION SHALL REQUIRE THE BOARD DE
25	TRUSTEES TO LET A CONTRACT FOR ANY PROJECT OR SERVICE MHICH

CAN BE ACCOMPLISHED BY DISTRICT STAFF.*

-End-

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1	HOUSE BILL NO. 166
2	INTRODUCED BY MILLER
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5	ON THE ANDUNT THAT A SCHOOL DISTRICT CAM EXPEND WITHOUT
6	GOING THROUGH THE FORMAL BID PROCESS; CLARIEVING THE BIRDING
7	REQUIREMENTS: AND AMENDING SECTION 20-9-204, MCA."
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9	BE IT EMACTED BY THE LEGISLATURE OF THE STATE OF HONTANA:
10	Section 1. Section 20-9-204, MCA, is amended to read:
11	*20-9-204. Conflicts of interests, letting contracts,
12	and calling for bids. (1) It is unlawful for any trustee to:
13	(a) have any pecuniary daterest, either directly or
14	indirectly, in any contract made by him in his official
15	capacity or by the board of trustees of which $\mathbb Z$ he is a
16	member: or
17	(b) be employed in any capacity by the school district
18	of which he is trustee.
19	(2) For the purposes of subsection (1):
20	(a) "pecuniary interest" does not include holding an
21	interest of 10% or less in a corporation;
22	(b) "contract" does not include:
23	(i) merchandise sold to the highest bidder at public
24	auctions:

(ii) investments or deposits in financial institutions

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such investments or deposits are made on a rotating or
        ratable basis among financial institutions in the community
        or when there is only one financial institution in the
       community; or
             (III) contracts for professional services other than
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        salaried services or for maintenance or repair services or
        supplies when the services or supplies are not reasonably
       available from other sources if the interest of any board
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       member and a determination of such lack of availability are
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       entered in the minutes of the board meeting at which the
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       contract is considered.
            (3) Whenever the estimated cost of ony buildings
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       furnishingy-repairingy-prother-work for the benefit of -- the
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       the -- lowest responsible-bidder-after-advertisement-for bidsy
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       Such-advertisement-shall-be-published-in-the-newspaper-which
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       district--os--determined-by-the-trusteess-Such-advertisement
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       second-publication-shall-be-made-not-less-thon--5--days--or
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       eore-then--12-days-before-consideration-of-bidss-A-contract
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       not-let-pursuant-to-this-section-shall-be-vaid-
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which are in the business of loaning or receiving money when

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2	award—the contract—to the lowest-responsible-biddery except
3	that-the-trastees-may-reject-any-or-ell-bids-
4	131 THE BOARD OF TRUSTEES SHALL LET CONTRACTS FOR
5	BUILDING. FURNISHING. REPAIRING. OR OTHER WORK OR SUPPLIES
6	FOR THE BENEFIT OF THE DISTRICT ACCORDING TO THE FOLLOWING
7	RULES AND PROCEDURES:
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13	\$25-000 BUT MORE THAN \$5-000. THE BOARD OF TRUSTEES SHALL
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17	\$25-000. THE BOARD OF TRUSTEES SHALL SOLICIT FORMAL BIOS AND
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19	PUBLISHED IN EACH COUNTY WHEREIN THE AREA OF THE DISTRICT
20	LIES. CALLING FOR BIBS TO PERFORM SUCH WORK OR FURNISH SUCH
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22	THE CONTRACT TO THE LOWEST RESPONSIBLE BIODER. HOWEVER. THE
23	BOARD OF TRUSTEES HAS THE RIGHT TO REJECT ANY AND ALL BIDS.
24	(D) NOTHING IN THIS SECTION SHALL REQUIRE THE BOARD OF
25	TRUSTEES TO LET A CONTRACT FOR ANY PROJECT DR SERVICE WHICH

1 CAN BE ACCOMPLISHED BY DISTRICT STAFF.

1	HOUSE BILL NO. 166
2	INTRODUCED BY MILLER
3	
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5	ON THE AMOUNT THAT A SCHOOL DISTRICT CAN EXPEND WITHOUT
6	GOING THROUGH THE FORMAL BID PROCESS; CLARIFYING THE BIDDING
7	REQUIREMENTS: AND AMENDING SECTION 20-9-204, MCA.
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.0	Section 1. Section 20-9-204, MCA, is amended to read:
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.7	(b) be employed in any capacity by the school district
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23	(i) merchandise sold to the highest bidder at public.
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1	which are in the business of loaning or receiving money when
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3	ratable basis among financial institutions in the community
4	or when there is only one financial institution in the
5	community; or
6	(iii) contracts for professional services other than
7	salaried services or for maintenance or repair services or
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9	available from other sources if the interest of any board
10	member and a determination of such lack of availability are
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15	district-or-purchasing-of-supplies-for-the-district-exceed:
16	the-sum-of-\$4y000 <u>\$10y000</u> y-the-workdoneorthepurches
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21	districtasdetermined-by-the-trusteesSuch-advertisement
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23	second-publication-shall-be-made-not-lessthan5daysor
24	marethan12-days-before-consideration-of-bidsw-A-contract
25	not-let-pursuant-to-this-section-shall-be-voids

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2	award-the-contract-to-the-lawest-responsible-biddery-except
3	that-the-trustees-may-reject-any-or-all-bids+
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23	BOARD OF TRUSTEES HAS THE RIGHT TO REJECT ANY AND ALL BIDS.
24	(D) NOTHING IN THIS SECTION SHALL REQUIRE THE BOARD OF
25	TRUSTEES TO LET A CONTRACT FOR ANY ROUTINE AND REGULARLY

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- 1 PERFORMED MAINTENANCE OR REPAIR PROJECT DR SERVICE MHICH CAN
- 2 BE ACCOMPLISHED BY DISTRICT STAFF WHOSE REGULAR EMPLOYMENT
- 3 WITH SUCH SCHOOL DISTRICT IS RELATED TO THE ROUTINE
- 4 PERFORMANCE OF MAINTENANCE FOR SUCH DISTRICT."

-End-

HB 166

SENATE STANDING COMMITTEE REPORT (Education & Cultural Resources)

That House Bill No. 166 be amended as follows:

1. Title, line 6. Strike: "FORMAL"

Strike: "CLARIFYING THE BIDDING"

2. Title, line 7.

Strike: "REQUIREMENTS; AND"

3. Page 3.

Following: line 3

Strike: lines 4 through 23

Insert: "(3) Whenever the estimated cost of any building, furnishing, repairing, or other work for the benefit of the district or purchasing of supplies for the district exceeds the sum of \$7,500, the work done or the purchase made shall be by contract. Each such contract must be let to the lowest responsible bidder after advertisement for bids. Such advertisement shall be published in the newspaper which will give notice to the largest number of people of the district as determined by the trustees. Such advertisement shall be made once each week for 2 consecutive weeks and the second publication shall be made not less than 5 days or more than 12 days before consideration of bids. A contract not let pursuant to this section shall be void.

- (4) Whenever bidding is required, the trustees shall award the contract to the lowest responsible bidder, except that the trustees may reject any or all bids."
- 4. Page 3, line 24. Following: line 23

Strike: "(D)" Insert: "(5)" 48th Legislature HB 0166/04

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HOUSE BILL NO. 106

INTRODUCED BY MILLER
A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE LIMIT
ON THE AMOUNT THAT A SCHOOL DISTRICT CAN EXPEND WITHOUT
GOING THROUGH THE ESRNAL BID PROCESS; ELARIFYING-THE-BISSING
REGULEREMENTES AMENDING SECTION 20-9-204. MCA.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA:
Section 1. Section 20-9-204, MCA, is amended to read:
"20-9-204. Conflicts of interests, letting contracts,
and calling for bids. (!) It is unlawful for any trustee to:
(a) have any peruniary interest, either directly or
indirectly. In any contract made by him in his official
capacity or by the board of trustees of which he is a
member; or
(b) be employed in any capacity by the school district
of which he is trustee.
<pre>{2} For the purposes of subsection (1):</pre>
(a) "pecuniary interest" does not include holding an
interest of 10% or less in a corporation;
(b) "contract" does not include:
(i) merchandise sold to the highest bidder at public
auctions;
(ii) investments or deposits in financial institutions

which are in the business of loaning or receiving money when such investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one financial institution in the community; or (iii) contracts for professional services other than salaried services or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources if the interest of any board member and a determination of such lack of availability are entered in the minutes of the board meeting at which the contract is considered. †3}--Whenever--the--estimated--cost--of--eny--buildingy furnishings-repairings-or-other-work-for-the-benefit-of--the district--or-purchasing-of-supplies-for-the-district-exceeds the-sum-of-94y888 <u>#18y888</u>y-the-work--done--or--the--purchase made-shall-be-by-contract--Each-such-contract-must-be-lee-to the--lowest-responsible-bidder-ofter-advertisement-for-bids. Such-advertisement-shall-be-published-in-the-newspaper-which will-give-notice-to-the-largest--number--of--people--of---the district--os--determined-by-the-trustees--Such-odvertisement shall-be-made-once-each-week-for-2-consecutive-weeks-and-the second-publication-shall-be-made-not-less--than--5--days--or more--than--12-days-before-consideration-of-bidsw-A-contract

not-let-pursuant-to-this-section-shall-be-voids

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HB 0166/04

HB 0166/04

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2	awardthe-contract-to-the-lowest-responsible-biddery-except
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24	131_WHENEYER_INE_ESTIMATED_COST_OF_ANY_BUILDING:
25	FURNISHING. REPAIRING. OR OTHER WORK FOR THE BENEFIT OF THE

DISTRICT OR PURCHASING OF SUPPLIES FOR THE DISTRICT EXCEEDS 1 2 THE SUM DE \$7.500. THE MORK DONE OR THE PURCHASE MADE SHALL 3 BE BY CONTRACT. EACH SUCH CONTRACT MUST BE LET TO THE LOWEST RESPONSIBLE BIODER AFTER ADVERTISEMENT FOR BIOS. SUCH 5 ADVERTISEMENT SHALL BE PUBLISHED IN THE MEMSPAPER WHICH WILL GIVE NOTICE TO THE LARGEST NUMBER OF PEOPLE OF THE DISTRICT 7 AS DETERMINED BY THE IRUSIEES. SUCH ADVERTISEMENT SHALL BE 8 MADE ONCE EACH WEEK FOR 2 CONSECUTIVE WEEKS AND THE SECOND 9 PUBLICATION SHALL BE MADE NOT LESS THAN 5 DAYS OR HOBE THAN 12 DAYS BEFORE CONSIDERATION OF BIDS A CONTRACT NOI LET 10 PURSUANT TO THIS SECTION SHALL BE VOID. 11 141 WHENEYER BIDDING IS REQUIRED. THE IRUSTEES SHALL 12 AWARD THE CONTRACT TO THE LUNEST RESPONSIBLE BIDDER. EXCEPT 13 THAT THE TRUSTEES MAY REJECT ANY OR ALL BIDS. 14 191(5) NOTHING IN THIS SECTION SHALL REQUIRE THE BOARD 15 OF TRUSTEES TO LET A CONTRACT FOR ANY ROUTINE AND REGULARLY 16 PERFORMED MAINTENANCE OR REPAIR PROJECT OR SERVICE WHICH CAN 17 BE ACCOMPLISHED BY DISTRICT STAFF WHOSE REGULAR EMPLOYMENT 18 WITH SUCH SCHOOL DISTRICT IS RELATED TO THE ROUTINE 19 PERFORMANCE OF MAINTENANCE FOR SUCH DISTRICT."

-End-