

HOUSE BILL NO. 193

INTRODUCED BY PISTORIA, R. MANNING, MCCORMICK

IN THE HOUSE

January 13, 1983	Introduced and referred to Committee on Local Government.
January 26, 1983	Committee recommend bill do pass as amended. Report adopted.
January 27, 1983	Bill printed and placed on members' desks.
January 28, 1983	Second reading, do pass.
January 29, 1983	Considered correctly engrossed.
January 31, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 1, 1983	Introduced and referred to Committee on Local Government.
March 19, 1983	Committee recommend bill be concurred in. Report adopted.
March 22, 1983	Second reading, concurred in.
March 23, 1983	On motion taken from third reading and referred to second reading.
March 24, 1983	Second reading, pass consideration.  On motion taken from second reading and rereferred to Committee on Business and Industry.

March 25, 1983

Committee recommend bill be concurred in. Report adopted.

March 26, 1983

Second reading, indefinitely postponed. Ayes, 23; Noes, 22.

#### IN THE HOUSE

March 26, 1983

Returned to House.

March 28, 1983

On motion, request of Senate granted for return of bill for further consideration.

#### IN THE SENATE

March 29, 1983

Second reading, concurred in as amended.

March 30, 1983

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

#### IN THE HOUSE

March 30, 1983

Returned to House with amendments.

On motion, Conference Committee requested and appointed.

On motion, rules suspended to allow acceptance of Senate amendments.

April 1, 1983

Second reading, amendments concurred in.

April 4, 1983

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *193*  
 2 INTRODUCED BY *Paul R. Pistoria Richard Manning Mc Cormick*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT DELINEATING SPECIFIC  
 5 PROFESSIONS EXCLUDED FROM MUNICIPAL CONTRACT RESTRICTIONS;  
 6 AMENDING SECTION 7-5-4301, MCA; AND PROVIDING AN EFFECTIVE  
 7 DATE."  
 8

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

10 Section 1. Section 7-5-4301, MCA, is amended to read:

11 "7-5-4301. Power to enter and execute contracts. (1)  
 12 The city or town council has power to make any and all  
 13 contracts necessary to carry into effect the powers granted  
 14 by this code and to provide for the manner of executing the  
 15 same.

16 (2) All necessary contracts for ~~professional~~  
 17 ~~technical, medical, nursing, architectural, financial,~~  
 18 engineering, and legal services are excluded from the  
 19 provisions of 7-5-4302 through 7-5-4304, 7-5-4306, and  
 20 7-5-4307."

21 ~~NEW SECTION.~~ Section 2. Effective date. This act is  
 22 effective July 1, 1983.

-End-

INTRODUCED BILL

HB 193

## HOUSE BILL NO. 193

INTRODUCED BY PISTORIA, R. NANNING, MCCORMICK

A BILL FOR AN ACT ENTITLED: "AN ACT DELINEATING SPECIFIC  
PROFESSIONS EXCLUDED FROM MUNICIPAL CONTRACT RESTRICTIONS;  
AMENDING SECTION 7-5-4301, MCA; AND PROVIDING AN EFFECTIVE  
DATE."

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

Section 1. Section 7-5-4301, MCA, is amended to read:

"7-5-4301. Power to enter and execute contracts. (1)

The city or town council has power to make any and all  
contracts necessary to carry into effect the powers granted  
by this code and to provide for the manner of executing the  
same.

(2) All necessary contracts for professional,  
technical, ~~medical, nursing, architectural, financial,~~  
PROFESSIONAL, TECHNICAL, engineering, and legal services are  
excluded from the provisions of 7-5-4302 through 7-5-4304,  
7-5-4306, and 7-5-4307.

(3) IN SUBSECTION (2) EACH OF THE ENUMERATED SERVICES  
ARE INTENDED TO INCLUDE ONLY THOSE SERVICES THAT REQUIRE  
ADVANCED OR SPECIALIZED INTELLECTUAL EDUCATION, KNOWLEDGE,  
AND TRAINING AND THAT INVOLVE EXERCISE OF DISCRETION AND  
JUDGMENT. SUCH SERVICES DO NOT INCLUDE SERVICES

CHARACTERIZED AS ROUTINE MENTAL, MANUAL, PHYSICAL, OR  
MECHANICAL."

NEW SECTION. Section 2. Effective date. This act is  
effective July 1, 1983.

-End-

## 1 HOUSE BILL NO. 193

2 INTRODUCED BY PISTORIA, R. MANNING, MCCORMICK

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT DELINEATING SPECIFIC  
5 PROFESSIONS EXCLUDED FROM MUNICIPAL CONTRACT RESTRICTIONS;  
6 AMENDING SECTION 7-5-4301, MCA; AND PROVIDING AN EFFECTIVE  
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13 contracts necessary to carry into effect the powers granted  
14 by this code and to provide for the manner of executing the  
15 same.

16 (2) All necessary contracts for professional  
17 technical, ~~medical, nursing, architectural, financial,~~  
18 PROFESSIONAL, TECHNICAL, engineering, and legal services are  
19 excluded from the provisions of 7-5-4302 through 7-5-4304,  
20 7-5-4306, and 7-5-4307.

21 (3) IN SUBSECTION (2) EACH OF THE ENUMERATED SERVICES  
22 ARE INTENDED TO INCLUDE ONLY THOSE SERVICES THAT REQUIRE  
23 ADVANCED OR SPECIALIZED INTELLECTUAL EDUCATION, KNOWLEDGE,  
24 AND TRAINING AND THAT INVOLVE EXERCISE OF DISCRETION AND  
25 JUDGMENT. SUCH SERVICES DO NOT INCLUDE SERVICES

1 CHARACTERIZED AS ROUTINE MENTAL, MANUAL, PHYSICAL, OR  
2 MECHANICAL."

3 NEW SECTION. Section 2. Effective date. This act is  
4 effective July 1, 1983.

-End-

March 29, 1983

SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 193 be amended as follows:

1. Page 1, line 21.

Strike: subsection 3 in its entirety

2. Page 1, line 20.

Following: line 20

Insert: "Provided however, contracts wherein the value of the majority of the services to be rendered constitute services other than professional, technical, engineering, and legal services must be awarded under the bidding procedure provided for in 7-5-4302 through 7-5-4304, 7-5-4306 and 7-5-4307."

## HOUSE BILL NO. 193

INTRODUCED BY PISTORIA, R. MANNING, MCCORMICK

A BILL FOR AN ACT ENTITLED: "AN ACT DELINEATING SPECIFIC PROFESSIONS EXCLUDED FROM MUNICIPAL CONTRACT RESTRICTIONS; AMENDING SECTION 7-5-4301, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-5-4301, MCA, is amended to read:

"7-5-4301. Power to enter and execute contracts. (1)

The city or town council has power to make any and all contracts necessary to carry into effect the powers granted by this code and to provide for the manner of executing the same.

(2) All necessary contracts for professional+ technical+ medical+ nursing+ architectural+ financial+ PROFESSIONAL, TECHNICAL, engineering, and legal services are excluded from the provisions of 7-5-4302 through 7-5-4304, 7-5-4306, and 7-5-4307. PROVIDED, HOWEVER, CONTRACTS WHEREIN THE VALUE OF THE MAJORITY OF THE SERVICES TO BE RENDERED CONSTITUTE SERVICES OTHER THAN PROFESSIONAL, TECHNICAL, ENGINEERING, AND LEGAL SERVICES MUST BE AWARDED UNDER THE BIDDING PROCEDURE PROVIDED FOR IN 7-5-4302 THROUGH 7-5-4304, 7-5-4306, AND 7-5-4307.

~~131--IN-SUBSECTION-(2)-EACH-OF-THE-ENUMERATED--SERVICES  
ARE--INTENDED--TO--INCLUDE--ONLY--THOSE--SERVICES--THAT--REQUIRE  
ADVANCED--OR--SPECIALIZED--INTELLECTUAL--EDUCATION--KNOWLEDGE  
AND--TRAINING--AND--THAT--INVOLVE--EXERCISE--OF--DISCRETION--AND  
JUDGMENT--SUCH--SERVICES--DO--NOT--INCLUDE--SERVICES  
CHARACTERIZED--AS--ROUTINE--MENIAL--MANUAL--PHYSICAL--OR  
MECHANICAL"~~

NEW SECTION. Section 2. Effective date. This act is effective July 1, 1983.

-End-

REFERENCE BILL

-2-

HB 193

SECOND PRINTING  
with amendments dated 3/29