

SENATE BILL NO. 163

INTRODUCED BY VAN VALKENBURG, KADAS

IN THE SENATE

January 15, 1983	Introduced and referred to Committee on Taxation.
January 28, 1983	Committee recommend bill do pass. Report adopted.
January 29, 1983	Bill printed and placed on members' desks.
February 1, 1983	Second reading, do pass.
February 2, 1983	Correctly engrossed.
February 3, 1983	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.

IN THE HOUSE

February 4, 1983	Introduced and referred to Committee on Taxation.
March 5, 1983	Committee recommend bill be concurred in. Report adopted.
March 7, 1983	Second reading, concurred in.
March 8, 1983	Third reading, concurred in.

IN THE SENATE

March 9, 1983

Returned to Senate. Sent  
to enrolling.

Reported correctly  
enrolled.

1 *Senate* BILL NO. *163*  
2 INTRODUCED BY *Sen. Jeffrey Kados*  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT RAISING THE PUBLIC  
5 CONTRACT VALUE LIMIT FOR EXEMPTION FROM LICENSE FEES; AND  
6 RAISING THE PUBLIC CONTRACT VALUE LIMIT IN DEFINING A PUBLIC  
7 CONTRACTOR; AMENDING SECTIONS 15-50-101 AND 15-50-202, MCA."  
8

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

10 Section 1. Section 15-50-101, MCA, is amended to read:

11 "15-50-101. Definitions. (1) The following words,  
12 terms, and phrases in this chapter are, for the purposes  
13 hereof, defined as follows:

14 (a) A "public contractor" within the meaning of this  
15 chapter shall include any person who submits a proposal to  
16 or enters into a contract for performing all public  
17 construction work in the state with the federal government,  
18 state of Montana, or with any board, commission, or  
19 department thereof or with any board of county commissioners  
20 or with any city or town council or with any agency of any  
21 thereof or with any other public board, body, commission, or  
22 agency authorized to let or award contracts for any public  
23 work when the contract cost, value, or price thereof exceeds  
24 the sum of ~~\$1,000~~ **\$1,000**.

25 (b) The term "public contractor" includes

1 subcontractors undertaking to perform the work covered by  
2 the original contract or any part thereof, the contract  
3 cost, value, or price of which exceeds the sum of ~~\$1,000~~  
4 **\$5,000**.

5 (c) "Gross receipts" means all receipts from sources  
6 within the state, whether in the form of money, credits, or  
7 other valuable consideration, received from, engaging in, or  
8 conducting a business, without deduction on account of the  
9 cost of the property sold, the cost of the materials used,  
10 labor or service cost, interest paid, taxes, losses, or any  
11 other expense whatsoever. However, gross receipts shall not  
12 include cash discounts allowed and taken on sales and sales  
13 refunds, either in cash or by credit, uncollectable accounts  
14 written off from time to time, or payments received in final  
15 liquidation of accounts included in the gross receipts of  
16 any previous return made by the person.

17 (2) The department of revenue is hereby constituted  
18 the "registrar" for the purpose of this chapter."

19 Section 2. Section 15-50-202, MCA, is amended to read:

20 "15-50-202. Certain small or federal public contracts  
21 exempt. Nothing herein shall require any contractor to pay  
22 any license fee on any public contract project of a value  
23 less than ~~\$1,000~~ **\$5,000**, nor shall any contractor be  
24 required to have a license hereunder in order to submit a  
25 bid or proposal for contracts advertised to be let by the

-2- INTRODUCED BILL

1 Montana highway commission where federal aid is obtained  
2 from the bureau of public roads or the department of  
3 agriculture of the United States, neither shall a successful  
4 bidder be required to be licensed as provided herein before  
5 the awarding and execution of any contract to be let by the  
6 state highway commission where federal aid from the bureau  
7 of public roads or the department of agriculture of the  
8 United States is involved."

-End-

Approved by committee  
On Taxation

INTRODUCED BY Sen. John V. Kados BILL NO. 163

A BILL FOR AN ACT ENTITLED: "AN ACT RAISING THE PUBLIC CONTRACT VALUE LIMIT FOR EXEMPTION FROM LICENSE FEES; AND RAISING THE PUBLIC CONTRACT VALUE LIMIT IN DEFINING A PUBLIC CONTRACTOR; AMENDING SECTIONS 15-50-101 AND 15-50-202, MCA."

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

Section 1. Section 15-50-101, MCA, is amended to read:

"15-50-101. Definitions. (1) The following words, terms, and phrases in this chapter are, for the purposes hereof, defined as follows:

(a) A "public contractor" within the meaning of this chapter shall include any person who submits a proposal to or enters into a contract for performing all public construction work in the state with the federal government, state of Montana, or with any board, commission, or department thereof or with any board of county commissioners or with any city or town council or with any agency of any thereof or with any other public board, body, commission, or agency authorized to let or award contracts for any public work when the contract cost, value, or price thereof exceeds the sum of ~~\$17,000~~ \$5,000.

(b) The term "public contractor" includes

subcontractors undertaking to perform the work covered by the original contract or any part thereof, the contract cost, value, or price of which exceeds the sum of ~~\$17,000~~ \$5,000.

(c) "Gross receipts" means all receipts from sources within the state, whether in the form of money, credits, or other valuable consideration, received from, engaging in, or conducting a business, without deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, taxes, losses, or any other expense whatsoever. However, gross receipts shall not include cash discounts allowed and taken on sales and sales refunds, either in cash or by credit, uncollectable accounts written off from time to time, or payments received in final liquidation of accounts included in the gross receipts of any previous return made by the person.

(2) The department of revenue is hereby constituted the "registrar" for the purpose of this chapter."

Section 2. Section 15-50-202, MCA, is amended to read:

"15-50-202. Certain small or federal public contracts exempt. Nothing herein shall require any contractor to pay any license fee on any public contract project of a value less than ~~\$17,000~~ \$5,000, nor shall any contractor be required to have a license hereunder in order to submit a bid or proposal for contracts advertised to be let by the

1 Montana highway commission where federal aid is obtained  
2 from the bureau of public roads or the department of  
3 agriculture of the United States, neither shall a successful  
4 bidder be required to be licensed as provided herein before  
5 the awarding and execution of any contract to be let by the  
6 state highway commission where federal aid from the bureau  
7 of public roads or the department of agriculture of the  
8 United States is involved."

-End-

1 *Senate* BILL NO. 163  
 2 INTRODUCED BY *Sen. Vallentyne Kadosh*  
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 19 department thereof or with any board of county commissioners  
 20 or with any city or town council or with any agency of any  
 21 thereof or with any other public board, body, commission, or  
 22 agency authorized to let or award contracts for any public  
 23 work when the contract cost, value, or price thereof exceeds  
 24 the sum of ~~\$1,000~~ \$5,000.  
 25 (b) The term "public contractor" includes

1 subcontractors undertaking to perform the work covered by  
 2 the original contract or any part thereof, the contract  
 3 cost, value, or price of which exceeds the sum of ~~\$1,000~~  
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 25 bid or proposal for contracts advertised to be let by the

1 Montana highway commission where federal aid is obtained  
2 from the bureau of public roads or the department of  
3 agriculture of the United States; neither shall a successful  
4 bidder be required to be licensed as provided herein before  
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6 state highway commission where federal aid from the bureau  
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-End-