

HOUSE BILL NO. 149

1/11 Introduced  
1/11 Referred to Education & Cultural Resources  
1/16 Hearing  
1/26 Adverse Committee Report  
1/28 Bill Killed

1 HOUSE BILL NO. 149  
2 INTRODUCED BY *Listoria Johnson*  
3 *HARRY JARVIS BUCKNER*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT  
5 PROFESSIONAL SERVICES FOR A SCHOOL DISTRICT THAT EXCEED  
6 \$7,500 ARE SUBJECT TO CONTRACT BID REQUIREMENTS; AMENDING  
7 SECTION 20-9-204, MCA."

8  
9 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,  
12 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  
15 capacity or by the board of trustees of which 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;

25 (ii) investments or deposits in financial institutions

1 which are in the business of loaning or receiving money when  
2 such investments or deposits are made on a rotating or  
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  
8 supplies when the services or supplies are not reasonably  
9 available from other sources if the interest of any board  
10 member and a determination of such lack of availability are  
11 entered in the minutes of the board meeting at which the  
12 contract is considered.

13 (3) Whenever the estimated cost of any building,  
14 furnishing, repairing, or other work for the benefit of the  
15 district, or purchasing of supplies for the district, or  
16 providing professional services for the district exceeds the  
17 sum of \$7,500, the work, done-or-the purchase, made-shall-be  
18 or service must be done by contract. Each such contract must  
19 be let to the lowest responsible bidder after advertisement  
20 for bids. Such advertisement shall be published in the  
21 newspaper which will give notice to the largest number of  
22 people of the district as determined by the trustees. Such  
23 advertisement shall be made once each week for 2 consecutive  
24 weeks and the second publication shall be made not less than  
25 5 days or more than 12 days before consideration of bids. A

1 contract not let pursuant to this section shall be void.

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

5 (5) Nothing in this section shall require the board of  
6 trustees to let a contract for any routine and regularly  
7 performed maintenance or repair project or service which can  
8 be accomplished by district staff whose regular employment  
9 with such school district is related to the routine  
10 performance of maintenance for such district."

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