

SENATE BILL NO. 196

INTRODUCED BY FULLER, KEENAN, MAZUREK

IN THE SENATE

January 22, 1985	Introduced and referred to Committee on State Administration.
February 5, 1985	Committee recommend bill do pass. Report adopted.
February 6, 1985	Bill printed and placed on members' desks.
February 7, 1985	Second reading, do pass.
February 8, 1985	Considered correctly engrossed.
February 9, 1985	Third reading, passed. Ayes, 50; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on State Administration.
March 14, 1985	Committee recommend bill be concurrent in. Report adopted.
March 16, 1985	Second reading, pass consideration.
March 19, 1985	Second reading, concurred in.
March 21, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

March 21, 1985

Received from House.

Sent to, enrolling.

Reported correctly enrolled.

Senate BILL NO. 196
INTRODUCED BY *Julia Keenan Maguire*

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO STATE PURCHASES FROM SHELTERED WORKSHOPS; AMENDING SECTIONS 18-5-102 AND 18-5-103, MCA."

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

Section 1. Section 18-5-102, MCA, is amended to read:

"18-5-102. Duties and powers of department of administration. (1) The department shall ~~establish and publish a listing~~ maintain a current list of facilities located in this state, including a list of products and services provided by each facility, based on information provided by the facilities. A facility requesting to be included on the list shall indicate the products and services available from it and shall provide the department with updated information, as necessary ~~by the state. From this list, facilities may select products or services to be produced or provided by one or more facilities. A product or service shall be removed from the list approved for facilities whenever the department ascertains that the product or service exceeds 20% of the gross sales of any business in Montana producing that product or providing that service.~~

(2) The department may contract with a nonprofit organization to:

- (a) certify facilities;
- (b) provide technical assistance to facilities on matters of product or service capabilities;
- (c) facilitate distribution of orders among facilities and to insure equal opportunity in obtaining orders.

~~(3) The department shall determine the fair market price to be charged for products and services on the procurement list which is competitive with readily available alternative sources. In determining and revising the prices of products and services, the department must give consideration to reasonable costs of labor, materials, and overhead and a percentage of gross sales to fund the activities of the nonprofit organization specified in (2)(a), (2)(b), and (2)(c) above.~~

~~(4)~~ (3) The department shall adopt, revise, and amend rules to implement 18-5-101 through 18-5-103 in accordance with the procedures of the Montana Administrative Procedure Act."

Section 2. Section 18-5-103, MCA, is amended to read:

"18-5-103. Procurement requirements. State departments, institutions, and agencies shall, after promulgation of the product and service list, may procure listed products and services from a facility. The provisions



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1 of this title relating to competitive bidding do not apply
2 to purchases made in accordance with 18-5-101 through
3 18-5-103."

4 NEW SECTION. Section 3. Extension of authority. Any
5 existing authority of the department of administration to
6 make rules on the subject of the provisions of this act is
7 extended to the provisions of this act.

-End-

1 *Senate* BILL NO. *196*
2 INTRODUCED BY *Julia Kaman Maguire*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS
5 RELATING TO STATE PURCHASES FROM SHELTERED WORKSHOPS;
6 AMENDING SECTIONS 18-5-102 AND 18-5-103, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 18-5-102, MCA, is amended to read:

10 "18-5-102. Duties and powers of department of
11 administration. (1) The department shall ~~establish--and~~
12 ~~publish--a--listing~~ maintain a current list of facilities
13 located in this state, including a list of products and
14 services provided by each facility, based on information
15 provided by the facilities. A facility requesting to be
16 included on the list shall indicate the products and
17 services available from it and shall provide the department
18 with updated information, as necessary ~~purchased-by-the~~
19 ~~state--From-this-list, facilities--may--select--products--or~~
20 ~~services---to--be--produced--or--provided--by--one--or--more~~
21 ~~facilities--A-product-or-service-shall-be-removed--from--the~~
22 ~~list---approved---for--facilities--whenever--the--department~~
23 ~~ascertains--that--the-product-or-service-exceeds--20%--of--the~~
24 ~~gross--sales--of--any--business--in--Montana--producing--that~~
25 ~~product-or-providing--that--service.~~

1 (2) The department may contract with a nonprofit
2 organization to:

- 3 (a) certify facilities;
- 4 (b) provide technical assistance to facilities on
5 matters of product or service capabilities;
- 6 (c) facilitate distribution of orders among facilities
7 and to insure equal opportunity in obtaining orders.

8 ~~{3}--The-department-shall--determine--the--fair--market~~
9 ~~price--to--be--charged--for--products--and--services--on-the~~
10 ~~procurement-list-which-is-competitive-with-readily-available~~
11 ~~alternative-sources--in-determining-and-revising-the--prices~~
12 ~~of---products---and---services;--the--department--must--give~~
13 ~~consideration-to-reasonable-costs-of-labor;--materials;--and~~
14 ~~overhead--and--a--percentage--of--gross--sales--to--fund-the~~
15 ~~activities--of--the--nonprofit--organization--specified---in~~
16 ~~{2}{a};--{2}{b};--and--{2}{c}--above;~~

17 ~~{4}{3}~~ (3) The department shall adopt, revise, and amend
18 rules to implement 18-5-101 through 18-5-103 in accordance
19 with the procedures of the Montana Administrative Procedure
20 Act."

21 Section 2. Section 18-5-103, MCA, is amended to read:
22 "18-5-103. Procurement requirements. State
23 departments, institutions, and agencies shall;---after
24 promulgation--of--the--product-and-service-list, may procure
25 listed products and services from a facility. The provisions



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1 of this title relating to competitive bidding do not apply
2 to purchases made in accordance with 18-5-101 through
3 18-5-103."

4 NEW SECTION. Section 3. Extension of authority. Any
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6 make rules on the subject of the provisions of this act is
7 extended to the provisions of this act.

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1 *Senate* BILL NO. *196*
 2 INTRODUCED BY *Julia Korman Mezger*
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 5 RELATING TO STATE PURCHASES FROM SHELTERED WORKSHOPS;
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9 Section 1. Section 18-5-102, MCA, is amended to read:
 10 "18-5-102. Duties and powers of department of
 11 administration. (1) The department shall ~~establish--and~~
 12 ~~publish--a--listing~~ maintain a current list of facilities
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 14 services provided by each facility, based on information
 15 provided by the facilities. A facility requesting to be
 16 included on the list shall indicate the products and
 17 services available from it and shall provide the department
 18 with updated information, as necessary ~~purchased-by-the~~
 19 ~~state--From-this-list, facilities may select products or~~
 20 ~~services--to--be--produced--or--provided--by--one--or--more~~
 21 ~~facilities--A product or service shall be removed--from--the~~
 22 ~~list--approved--for--facilities--whenever--the--department~~
 23 ~~ascertains--that--the--product--or--service--exceeds--20%--of--the~~
 24 ~~gross--sales--of--any--business--in--Montana--producing--that~~
 25 ~~product--or--providing--that--service.~~

1 (2) The department may contract with a nonprofit
 2 organization to:

- 3 (a) certify facilities;
- 4 (b) provide technical assistance to facilities on
- 5 matters of product or service capabilities;
- 6 (c) facilitate distribution of orders among facilities
- 7 and to insure equal opportunity in obtaining orders.

8 ~~{3}--The department shall--determine--the--fair--market~~
 9 ~~price--to--be--charged--for--products--and--services--on--the~~
 10 ~~procurement--list--which--is--competitive--with--readily--available~~
 11 ~~alternative--sources--in--determining--and--revising--the--prices~~
 12 ~~of--products--and--services,--the--department--must--give~~
 13 ~~consideration--to--reasonable--costs--of--labor,--materials,--and~~
 14 ~~overhead--and--a--percentage--of--gross--sales--to--fund--the~~
 15 ~~activities--of--the--nonprofit--organization--specified--in~~
 16 ~~{2}{a}, {2}{b}, and {2}{c} above.~~

17 ~~{4}{3}~~ (3) The department shall adopt, revise, and amend
 18 rules to implement 18-5-101 through 18-5-103 in accordance
 19 with the procedures of the Montana Administrative Procedure
 20 Act."

21 Section 2. Section 18-5-103, MCA, is amended to read:
 22 "18-5-103. Procurement requirements. State
 23 departments, institutions, and agencies shall, after
 24 promulgation of the product and service list, may procure
 25 listed products and services from a facility. The provisions

LC 0723/01

1 of this title relating to competitive bidding do not apply
2 to purchases made in accordance with 18-5-101 through
3 18-5-103."

4 NEW SECTION. Section 3. Extension of authority. Any
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6 make rules on the subject of the provisions of this act is
7 extended to the provisions of this act.

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16 ~~included on the list shall indicate the products and~~
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19 ~~state. From this list, facilities may select products or~~
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5 matters of product or service capabilities;

6 (c) facilitate distribution of orders among facilities
7 and to insure equal opportunity in obtaining orders.

8 ~~{3}--The department shall determine the fair market~~
9 ~~price to be charged for products and services on the~~
10 ~~procurement list which is competitive with readily available~~
11 ~~alternative sources in determining and revising the prices~~
12 ~~of products and services; the department must give~~
13 ~~consideration to reasonable costs of labor, materials, and~~
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15 ~~activities of the nonprofit organization specified in~~
16 ~~{2}(a), {2}(b), and {2}(c) above.~~

17 ~~{4}(3)~~ (3) The department shall adopt, revise, and amend
18 rules to implement 18-5-101 through 18-5-103 in accordance
19 with the procedures of the Montana Administrative Procedure
20 Act."

21 Section 2. Section 18-5-103, MCA, is amended to read:

22 "18-5-103. Procurement requirements. State
23 departments, institutions, and agencies shall, after
24 promulgation of the product and service list, may procure
25 listed products and services from a facility. The provisions

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1 of this title relating to competitive bidding do not apply
2 to purchases made in accordance with 18-5-101 through
3 18-5-103."

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6 make rules on the subject of the provisions of this act is
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-End-