

SENATE BILL NO. 229

INTRODUCED BY BOYLAN, ELLERD, ASAY

BY REQUEST OF THE GOVERNOR'S STATE  
BUILDING CONSTRUCTION ADVISORY COUNCIL

IN THE SENATE

January 23, 1985	Introduced and referred to Committee on State Administration.
February 11, 1985	Committee recommend bill do pass as amended. Report adopted.
February 12, 1985	Bill printed and placed on members' desks.
February 13, 1985	Second reading, do pass.
February 14, 1985	Considered correctly engrossed.
February 15, 1985	Third reading, passed. Ayes, 49; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on State Administration.
March 15, 1985	Committee recommend bill be concurrred in as amended. Report adopted.
March 19, 1985	Second reading, concurrred in.  Segregated from Committee of the Whole report.

March 23, 1985

Second reading, pass  
consideration.

March 25, 1985

Second reading, concurred in as  
amended.

March 27, 1985

Third reading, concurred in.  
Returned to Senate.

IN THE SENATE

March 27, 1985

Received from House.

April 2, 1985

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 229  
 2 INTRODUCED BY *Boyer - Elliot - Gray*  
 3 BY REQUEST OF THE GOVERNOR'S STATE  
 4 BUILDING CONSTRUCTION ADVISORY COUNCIL  
 5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A  
 7 RECIPROCAL PREFERENCE LAW FOR BIDDERS ON CONSTRUCTION  
 8 PROJECTS AND TO ELIMINATE THE CURRENT 3 PERCENT PREFERENCE  
 9 FOR SUCH BIDDERS; AMENDING SECTION 18-1-102, MCA; AND  
 10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
 11

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

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

14 "18-1-102. State contracts to lowest resident bidder.

15 (1) In order to provide for an orderly administration of the  
 16 business of the state of Montana in awarding contracts for  
 17 materials, supplies, and equipment, ~~construction, repair,~~  
 18 ~~and-public-works-of-all-kinds~~; it shall be the duty of each  
 19 board, commission, officer, or individual charged by law  
 20 with the responsibility for the execution of the contract on  
 21 behalf of the state, board, commission, political  
 22 subdivision, agency, school district, or a public  
 23 corporation of the state of Montana to award such contract  
 24 to the lowest responsible bidder who is a resident of the  
 25 state of Montana and whose bid is not more than 3% higher

1 than that of the lowest responsible bidder who is a  
 2 nonresident of this state.

3 (2) In awarding contracts for purchase of products,  
 4 materials, supplies, or equipment, such board, commission,  
 5 officer, or individual shall award the contract to any such  
 6 resident whose offered materials, supplies, or equipment are  
 7 manufactured or produced in this state by Montana industry  
 8 and labor and whose bid is not more than 3% higher than that  
 9 of the lowest responsible resident bidder whose offered  
 10 materials, supplies, or equipment are not so manufactured or  
 11 produced, provided that such products, materials, supplies,  
 12 and equipment are comparable in quality and performance.

13 (3) In awarding contracts for construction, repair,  
 14 and public works of all kinds, bids received from  
 15 nonresident bidders are subject to the same preference, if  
 16 any, that applies to a Montana bidder in the award of public  
 17 contracts in the nonresident bidder's state of residence.

18 ~~(3)(4)~~ This requirement shall prevail whether the law  
 19 requires advertisement for bids or does not require  
 20 advertisement for bids, and it shall apply to contracts  
 21 involving funds obtained from the federal government unless  
 22 expressly prohibited by the laws of the United States or  
 23 regulations adopted pursuant thereto."

24 NEW SECTION. Section 2. Extension of authority. Any  
 25 existing authority of the department of administration to

LC 0679/01

1 make rules on the subject of the provisions of this act is  
2 extended to the provisions of this act.

3 NEW SECTION. Section 3. Effective date. This act is  
4 effective on passage and approval.

-End-

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

SENATE BILL NO. 229

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BY REQUEST OF THE GOVERNOR'S STATE

BUILDING CONSTRUCTION ADVISORY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A  
RECIPROCAL PREFERENCE LAW FOR BIDDERS ON CONSTRUCTION  
PROJECTS AND TO ELIMINATE THE CURRENT 3 PERCENT PREFERENCE  
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~~and public works of all kinds,~~ CONSTRUCTION, REPAIR, AND  
PUBLIC WORKS OF ALL KINDS, it shall be the duty of each  
board, commission, officer, or individual charged by law  
with the responsibility for the execution of the contract on  
behalf of the state, board, commission, political  
subdivision, agency, school district, or a public  
corporation of the state of Montana to award such contract  
to the lowest responsible bidder who is a resident of the

state of Montana and whose bid is not more than 3% higher  
than that of the lowest responsible bidder who is a  
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and labor and whose bid is not more than 3% higher than that  
of the lowest responsible resident bidder whose offered  
materials, supplies, or equipment are not so manufactured or  
produced, provided that such products, materials, supplies,  
and equipment are comparable in quality and performance.

(3) In awarding contracts for construction, repair,  
and public works of all kinds, bids received from  
nonresident bidders are subject to the same 3% preference,  
if any, OR THAT PERCENT that applies to a Montana bidder in  
the award of public contracts in the nonresident bidder's  
state of residence, WHICHEVER IS GREATER.

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1 state of Montana and whose bid is not more than 3% higher  
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-End-



STANDING COMMITTEE REPORT

HOUSE

Page 1 of 2

March 15 19 85

MR. SPEAKER

We, your committee on State Administration

having had under consideration Senate Bill No. 229

Third reading copy (Blue color)

MAKE THE PREFERENCE LAW RECIPROCAL FOR BIDDERS ON CONSTRUCTION PUBLIC WORKS

Respectfully report as follows: That Senate Bill No. 229

BE AMENDED AS FOLLOWS:

1) Title, line 9. Following: "BIDDERS" Insert: "AND TO ELIMINATE THE CURRENT 3 PERCENT PREFERENCE FOR SUCH BIDDERS"

2) Page 1, line 17. Following: "and" Insert: "and"

3) Page 1, lines 18 and 19. Strike: "CONSTRUCTION" on line 18 through "t" on line 19

4) Page 2, line 16. Strike: "3 1/2" Insert: "same"

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Page 2 of 2

March 15 19 85

5) Page 2, line 17. Strike: "OR THAT PERCENT" Insert: "if any,"

6) Page 2, line 19. Strike: ", WHICHEVER IS GREATER"

AND AS AMENDED BE CONCURRED IN

KMK

For 3/15

XXXXXX

Continued on page 2

Walter R. Sales Chairman

Walter R. Sales Chairman

COMMITTEE OF THE WHOLE AMENDMENT

3191520P.CW

HOUSE

3-19-85

DATE

3:20

TIME

MR. CHAIRMAN: I MOVE TO AMEND Senate Bill No. 229

third reading copy ( blue ) as follows:  
Color

1. Strike: Amendments 1 through 6 in their entirety in the House Standing Committee Report of March 15, 1985.

*KMK*

**ADOPT**

**REJECT**

*Driscoll*

.....

Rep. Driscoll

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corporation of the state of Montana to award such contract to the lowest responsible bidder who is a resident of the state of Montana and whose bid is not more than 3% higher than that of the lowest responsible bidder who is a nonresident of this state.

(2) In awarding contracts for purchase of products, materials, supplies, or equipment, such board, commission, officer, or individual shall award the contract to any such resident whose offered materials, supplies, or equipment are manufactured or produced in this state by Montana industry and labor and whose bid is not more than 3% higher than that of the lowest responsible resident bidder whose offered materials, supplies, or equipment are not so manufactured or produced, provided that such products, materials, supplies, and equipment are comparable in quality and performance.

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REFERENCE BILL

SB 229



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