

HOUSE BILL NO. 450

INTRODUCED BY PISTORIA, MEYER,  
MCCORMICK, MANNING, MANUEL, KOEHNKE

IN THE HOUSE

JANUARY 26, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON LOCAL GOVERNMENT.

FEBRUARY 14, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 16, 1987                   PRINTING REPORT.

FEBRUARY 17, 1987                   SECOND READING, DO PASS.

FEBRUARY 18, 1987                   ENGROSSING REPORT.

                                      THIRD READING, PASSED.  
                                      AYES, 86; NOES, 1.

                                      TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 19, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON STATE ADMINISTRATION.

MARCH 10, 1987                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 13, 1987                    SECOND READING, CONCURRED IN.

MARCH 16, 1987                    THIRD READING, CONCURRED IN.  
                                      AYES, 50; NOES, 0.

                                      RETURNED TO HOUSE.

IN THE HOUSE

MARCH 17, 1987                    RECEIVED FROM SENATE.

                                      SENT TO ENROLLING.

HB 450 INTRODUCED BY PISTORIA, ET AL.  
LIMITING USE OF MUNICIPAL PROFESSIONAL SERVICES  
CONTRACTS

1/26	INTRODUCED		
1/26	REFERRED TO LOCAL GOVERNMENT		
2/04	HEARING		
2/14	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/17	2ND READING PASSED	89	2
2/18	3RD READING PASSED	86	1
	TRANSMITTED TO SENATE		
2/19	REFERRED TO STATE ADMINISTRATION		
3/04	HEARING		
3/10	COMMITTEE REPORT--BILL CONCURRED		
3/13	2ND READING CONCURRED	50	0
3/16	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
3/19	SIGNED BY SPEAKER		
3/19	SIGNED BY PRESIDENT		
3/20	TRANSMITTED TO GOVERNOR		
3/23	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 182	EFFECTIVE DATE:	3/23/87

1 *House* BILL NO. *450*  
 2 INTRODUCED BY *Ristoria Meyer - Mc Connick*  
 3 *Richard E Manning* *Manuel Goehnde*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE USE OF  
 5 PROFESSIONAL SERVICE CONTRACTS BY MUNICIPALITIES BY  
 6 ELIMINATING TECHNICAL SERVICES FROM THE EXEMPTION LIST; TO  
 7 REQUIRE CERTAIN BIDDING PROCEDURES AND BID DISCLOSURES IF  
 8 PROFESSIONAL SERVICE CONTRACTS REQUIRE ANYTHING EXCEPT  
 9 PROFESSIONAL, ENGINEERING, AND LEGAL SERVICES; AMENDING  
 10 SECTION 7-5-4301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
 11 DATE."  
 12

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

14 Section 1. Section 7-5-4301, MCA, is amended to read:  
 15 "7-5-4301. Power to enter and execute contracts. (1)  
 16 The city or town council has power to make any and all  
 17 contracts necessary to carry into effect the powers granted  
 18 by this code and to provide for the manner of executing the  
 19 same.

20 (2) All necessary contracts for professional,  
 21 technical, engineering, and legal services are excluded from  
 22 the provisions of 7-5-4302 through 7-5-4304, 7-5-4306, and  
 23 7-5-4307. ~~Provided, however, contracts wherein the value of~~  
 24 ~~the majority of the services to be rendered constitute~~  
 25 ~~services other than professional, technical, engineering,~~

1 ~~and legal services must be awarded under the bidding~~  
 2 ~~procedure provided for in 7-5-4302 through 7-5-4304,~~  
 3 ~~7-5-4306, and 7-5-4307, unless the contracts require the~~  
 4 ~~furnishing of anything other than exclusively professional,~~  
 5 ~~engineering, or legal services, in which case:~~

6 (a) the advertisement for bids must separately state  
 7 the services and specify the materials required by the  
 8 contracts that are other than those exclusively for  
 9 professional, engineering, or legal services; and

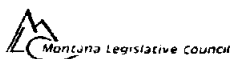
10 (b) any bid offered in response to the advertisement  
 11 for bids must separately state the value of and specify the  
 12 relationship to the total amount of the bid;

13 (i) the items offered to be performed that are  
 14 exclusively professional, engineering, or legal; and

15 (ii) other service items offered to be performed and  
 16 materials to be furnished."

17 NEW SECTION. Section 2. Effective date. This act is  
 18 effective on passage and approval.

-End-



APPROVED BY COMM.  
ON LOCAL GOVERNMENT

1 HOUSE BILL NO. 450  
2 INTRODUCED BY PISTORIA, MEYER,  
3 MCCORMICK, MANNING, MANUEL, KOEHNKE  
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE USE OF  
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7 ~~ELIMINATING TECHNICAL SERVICES FROM THE EXEMPTION LIST, TO~~  
8 ~~REQUIRE CERTAIN BIDDING PROCEDURES AND BID DISCLOSURES IF~~  
9 ~~PROFESSIONAL SERVICE CONTRACTS REQUIRE ANYTHING EXCEPT~~  
10 ~~PROFESSIONAL, ENGINEERING, AND LEGAL SERVICES SPECIFYING~~  
11 THAT THE OPERATION OF A PLANT PROVIDING WATER, SEWER, OR  
12 POWER DOES NOT CONSTITUTE SUCH A SERVICE; AMENDING SECTION  
13 7-5-4301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
14

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

16 (Refer to Introduced Bill)

17 Strike everything after the enacting clause and insert:

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

19 "7-5-4301. Power to enter and execute contracts. (1)

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

24 (2) (a) All necessary contracts for professional,  
25 technical, engineering, and legal services are excluded from

1 the provisions of 7-5-4302 through 7-5-4304, 7-5-4306, and  
2 7-5-4307. Provided, however, contracts wherein the value of  
3 the majority of the services to be rendered constitute  
4 services other than professional, technical, engineering,  
5 and legal services must be awarded under the bidding  
6 procedure provided for in 7-5-4302 through 7-5-4304,  
7 7-5-4306, and 7-5-4307.

8 (b) Supervision over or operation of a physical plant  
9 that provides water, sewer, or power services to a  
10 municipality does not constitute a service excluded under  
11 the provisions of subsection (2)(a)."

12 NEW SECTION. Section 2. Effective date. This act is  
13 effective on passage and approval.

-End-

## HOUSE BILL NO. 450

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MCCORMICK, MANNING, MANUEL, KOENKE

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