

HOUSE BILL NO. 569

INTRODUCED BY GRADY, FRITZ, SCHYE, MANUEL, DRISCOLL,  
LYBECK, HALLIGAN, BRANDEWIE, J. BROWN

IN THE HOUSE

FEBRUARY 2, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON BUSINESS & LABOR.

FEBRUARY 6, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

FEBRUARY 7, 1987                   PRINTING REPORT.

FEBRUARY 9, 1987                   SECOND READING, DO PASS.

FEBRUARY 10, 1987                  ENGROSSING REPORT.

                                      THIRD READING, PASSED.  
                                      AYES, 92; NOES, 6.

                                      TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 11, 1987                  INTRODUCED AND REFERRED TO COMMITTEE  
ON BUSINESS & INDUSTRY.

MARCH 12, 1987                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 17, 1987                    SECOND READING, CONCURRED IN AS  
AMENDED.

                                      ON MOTION, SEGREGATED FROM  
COMMITTEE OF THE WHOLE REPORT.

MARCH 18, 1987                    SECOND READING, CONCURRED IN.

MARCH 20, 1987                    THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 0.

                                      RETURNED TO HOUSE.

IN THE HOUSE

MARCH 21, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 House BILL NO. 569  
 2 INTRODUCED BY Dorothy Fyfe Deputy 11/Annex 1  
 3 David Lybeck Ally O. Brundage J. Crow

4 A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE  
 5 APPLICABILITY OF THE RESIDENCY DEFINITION USED IN THE  
 6 PREFERENCE LAWS CONCERNING AWARDING OF PUBLIC CONTRACTS;  
 7 AMENDING SECTIONS 18-1-103 AND 18-1-111, MCA; AND PROVIDING  
 8 AN IMMEDIATE EFFECTIVE DATE."

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

11 Section 1. Section 18-1-103, MCA, is amended to read:

12 "18-1-103. Residence defined. (1) For the purpose of  
 13 18-1-102, 18-1-103, 18-1-111, and 18-1-112, the word  
 14 "resident" shall include actual residence of an individual  
 15 within this state for a period of more than 1 year  
 16 immediately prior to bidding.

17 (2) In a partnership enterprise or an association, the  
 18 majority of all partners or association members shall have  
 19 been actual residents of the state of Montana for more than  
 20 1 year immediately prior to bidding.

21 (3) Domestic corporations organized under the laws of  
 22 the state of Montana are prima facie eligible to bid as  
 23 residents, but this qualification may be set aside and a  
 24 successful bid disallowed where it is shown to the  
 25 satisfaction of the board, commission, officer, or

1 individual charged with the responsibility for the execution  
 2 of such contract that said corporation is a wholly owned  
 3 subsidiary of a foreign corporation or that said corporation  
 4 was formed for the purpose of circumventing the provisions  
 5 relating to residence.

6 (4) Notwithstanding the foregoing, any bidder on a  
 7 contract for purchase of products, materials, supplies, or  
 8 equipment, whether an individual, partnership, or  
 9 corporation, foreign or domestic and regardless of ownership  
 10 thereof, whose offered materials, supplies, or equipment are  
 11 manufactured or produced in this state by industry located  
 12 in Montana and Montana labor shall be deemed to be a  
 13 resident for the purpose of 18-1-102, 18-1-103, 18-1-111,  
 14 and 18-1-112."

15 Section 2. Section 18-1-111, MCA, is amended to read:

16 "18-1-111. Impartiality to be shown in letting  
 17 contracts -- preference to residents. The department may not  
 18 show any partiality or favoritism in making awards or  
 19 contracts and shall be absolutely fair and impartial. Where  
 20 both the bids and quality of goods offered are the same,  
 21 preference shall be given to articles of local and domestic  
 22 production and manufacture, and where both the bids and the  
 23 quality of goods offered are the same, preference shall be  
 24 given to resident bidders of--the--state as defined in  
 25 18-1-103 over nonresident bidders."

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

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

-End-

APPROVED BY COMM. ON BUSINESS AND LABOR

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 3 David Lybeck O. Brandon J. Brown  
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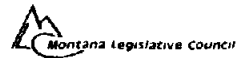
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 3 David Lybeck Bradley J. Brown  
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