

House BILL NO. 136

INTRODUCED BY Ellis  
Keenan

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE METHOD OF CONTRACTING FOR COUNTY PRINTING; AND AMENDING SECTIONS 7-5-2401, 7-5-2403, 7-5-2404, 7-5-2405, 7-5-2411, AND 7-5-2412, MCA."

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

**Section 1.** Section 7-5-2401, MCA, is amended to read:

**"7-5-2401. Purpose of part.** The purpose of this part is to require;

(1) the board of county printing to set maximum prices ~~which~~ that may be charged for county ~~printing and~~ legal advertising; and

(2) the board of county commissioners in each county to call for bids for all printed county forms and county legal advertising."

**Section 2.** Section 7-5-2403, MCA, is amended to read:

**"7-5-2403. Meetings of board of county printing.** The board shall meet ~~annually~~ when ordered by the governor or requested by a majority of the board members."

**Section 3.** Section 7-5-2404, MCA, is amended to read:

**"7-5-2404. Establishment of maximum prices.** (1) The board shall adopt and publish a schedule of maximum prices to be charged for county ~~printing and~~ legal advertising. ~~The prices shall be the full prices to be charged and shall include the paper stock specified, completion of all printing and other work, and delivery to the county courthouse.~~

(2) The board shall conduct hearings when required to determine maximum rates for county ~~printing~~ legal advertising. ~~Notice of intention to hold a the hearing shall be published at least 30 days before the date set for the hearing in a newspaper published in Helena, and a copy shall be mailed to each board of county commissioners~~ must be mailed to the Montana association of counties and the Montana newspaper association.

1 (3) The board shall deliver, free of charge, to each board of county commissioners in this state a  
 2 copy of every schedule of maximum prices adopted by the board within 30 days of its publication, together  
 3 with a notice of the date fixed by the board when the prices will be effective.

4 (4) The county commissioners shall require each establishment that prints county legal advertising  
 5 to verify that:

6 (a) the legal advertisement was published on the dates ordered by the county and in the style set  
 7 by the board; and

8 (b) the price was not in excess of the maximum price set by the board.

9 (5) The board may not establish maximum prices for printed county forms."

10  
 11 **Section 4.** Section 7-5-2405, MCA, is amended to read:

12 "**7-5-2405. Adoption of printing standards.** The board shall adopt necessary standards for ~~sizes,~~  
 13 ~~weights, and grades of paper stock, which shall conform to the uniform scale of sizes, weights, and grades~~  
 14 ~~used by paper manufacturers, and for sizes and types of printing, ruling, and binding, which shall conform~~  
 15 ~~as nearly as possible to the ordinary standards in use in the printing industry. For this purpose, reference~~  
 16 ~~may be made to established standards or publications used in this state, and the board may provide for the~~  
 17 ~~adoption of a standard list for those items not covered by the prices, regulations, or standards published~~  
 18 ~~by the board~~ typeface, type size, type style, and type leading for county legal advertising."

19  
 20 **Section 5.** Section 7-5-2411, MCA, is amended to read:

21 "**7-5-2411. County printing contract.** (1) The county commissioners shall contract for all ~~the~~  
 22 ~~printing for the county, including~~ advertising required by law and all printed forms required by the county,  
 23 ~~at a rate not exceeding that set by the board.~~ The advertising required by law shall must be awarded to a  
 24 newspaper that:

25 (a) is published in the county;

26 (b) has general bona fide and paid circulation with the second-class mailing privilege; and

27 (c) has been published continuously ~~for~~ at least once a week in the county for the 12 months  
 28 preceding the awarding of the contract.

29 (2) ~~(a) The county commissioners may separate the printing contract into two parts, one of which~~  
 30 ~~shall provide for the publication of legal advertising only. The legal advertising contract shall be let to a~~

1 ~~legally qualified newspaper. The other contract shall provide for all printed forms, materials, and supplies~~  
2 ~~required by the county.~~

3 ~~(b) The contract for printed forms, materials, and supplies referred to in subsection (2)(a) or~~  
4 ~~subsection (2)(c) shall be let:~~

5 ~~(i) to a commercial printing establishment or establishments, as the case may be, which has been~~  
6 ~~in business in the county for at least 1 year and whose competitive bid is not more than 5% higher than~~  
7 ~~that of the lowest responsible commercial printing establishment bidder doing business outside the county;~~  
8 ~~or~~

9 ~~(ii) if no establishment qualifies under subsection (2)(b)(i), to the lowest responsible commercial~~  
10 ~~printing establishment bidder. A contract for county printing may be awarded on an annual or biennial basis~~  
11 ~~or for a specific printing job.~~

12 ~~(c) Contracts for printed forms, materials, and supplies may be awarded on an annual basis or may~~  
13 ~~be awarded for a specific printing job.~~

14 ~~(3)(a) A contract may not call for payment by the county of any prices in excess of the maximum~~  
15 ~~fixed by the board of county printing. The county clerk and recorder shall maintain a list of willing bidders~~  
16 ~~for county printing and shall notify the printing establishments on the list of any call for bids.~~

17 ~~(b) A printing establishment must be added to the county clerk and recorder's list when the clerk~~  
18 ~~and recorder receives a written request from the printing establishment.~~

19 ~~(c) The county clerk and recorder may delete the name of any printing establishment from the list~~  
20 ~~if it has not submitted a bid during the previous 365 days.~~

21 ~~(4) Nothing in this part shall limit or restrict the power of a board of county commissioners to call~~  
22 ~~for competitive bids from persons or firms qualified to bid on county printing under the terms of this part~~  
23 ~~or to let contracts at prices less than the maximum fixed by the board of county printing.~~"

24  
25 **Section 6.** Section 7-5-2412, MCA, is amended to read:

26 **"7-5-2412. Details relating to printing contract.** (1) ~~The contract shall be let to the printing~~  
27 ~~establishment that in the judgment of the county commissioners shall be most suitable for performing said~~  
28 ~~work. The county commissioners shall require of any contractor to do such county printing a good and~~  
29 ~~sufficient deposit in such sum as said commissioners may deem advisable, signed by at least two sufficient~~  
30 ~~sureties and conditioned to the effect that said contractor will faithfully perform all of the conditions of said~~

1 ~~contract in accordance with this part and the terms of such contract accept the bid that the commissioners~~  
2 ~~determine to be the lowest and best bid on each printing contract offered by the county.~~

3 ~~(2) Nothing in this part shall be construed so as to compel the acceptance of unsatisfactory work.~~

4 ~~(3)(2) Such~~ The term of a contract for county printing, including county legal advertising, shall  
5 ~~extend for~~ may not exceed a period of ~~not more than~~ 2 years. ~~Any printing establishments doing business~~  
6 ~~in the county which may receive any contract for printing under this part and which may not be able to~~  
7 ~~execute any part of such contract shall be required to sublet such contract or portion of contract to some~~  
8 ~~printing establishment within the county if such is available and, if not, within the state, which shall do the~~  
9 ~~work under the contract so sublet entirely within the state with Montana labor."~~

10

-END-

## HOUSE BILL NO. 136

INTRODUCED BY ELLIS, KEENAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE METHOD OF CONTRACTING FOR COUNTY PRINTING; AND AMENDING SECTIONS 7-5-2401, 7-5-2403, 7-5-2404, 7-5-2405, 7-5-2411, ~~AND 7-5-2412, AND 7-5-2413~~, MCA."

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

**Section 1.** Section 7-5-2401, MCA, is amended to read:

"**7-5-2401. Purpose of part.** The purpose of this part is to ~~require~~ PROVIDE:

(1) FOR the board of county printing to set maximum prices ~~which that~~ that may be charged for county ~~printing and~~ legal advertising; and

(2) ~~the board of county commissioners in each county to call for bids for all printed county forms and county legal advertising~~ FOR COUNTY PRINTING CONTRACTS FOR PRINTED FORMS AND MATERIALS."

**Section 2.** Section 7-5-2403, MCA, is amended to read:

"**7-5-2403. Meetings of board of county printing.** The board shall meet ~~annually~~ when ordered by the governor or requested by a majority of the board members."

**Section 3.** Section 7-5-2404, MCA, is amended to read:

"**7-5-2404. Establishment of maximum prices.** (1) The board shall adopt and publish a schedule of maximum prices to be charged for county ~~printing and~~ legal advertising. ~~The prices shall be the full prices to be charged and shall include the paper stock specified, completion of all printing and other work, and delivery to the county courthouse.~~

(2) The board shall conduct hearings when required to determine maximum rates for county ~~printing~~ legal advertising. Notice of ~~intention to hold a~~ the hearing ~~shall be published at least 30 days before the date set for the hearing in a newspaper published in Helena, and a copy shall be mailed to each board of county commissioners~~ must be mailed to the Montana association of counties and the Montana

1 newspaper association.

2 (3) The board shall deliver, free of charge, to each board of county commissioners in this state a  
3 copy of every schedule of maximum prices adopted by the board within 30 days of its publication, together  
4 with a notice of the date fixed by the board when the prices will be effective.

5 (4) The county commissioners shall require each establishment that prints county legal advertising  
6 to verify that:

7 (a) the legal advertisement was published on the dates ordered by the county and in the style set  
8 by the board; and

9 (b) the price was not in excess of the maximum price set by the board.

10 (5) The board may not establish maximum prices for printed county forms."

11

12 **Section 4.** Section 7-5-2405, MCA, is amended to read:

13 **"7-5-2405. Adoption of printing standards.** The board shall adopt necessary standards for ~~sizes,~~  
14 ~~weights, and grades of paper stock, which shall conform to the uniform scale of sizes, weights, and grades~~  
15 ~~used by paper manufacturers, and for sizes and types of printing, ruling, and binding, which shall conform~~  
16 ~~as nearly as possible to the ordinary standards in use in the printing industry. For this purpose, reference~~  
17 ~~may be made to established standards or publications used in this state, and the board may provide for the~~  
18 ~~adoption of a standard list for those items not covered by the prices, regulations, or standards published~~  
19 ~~by the board~~ typeface, type size, type style, and type leading for county legal advertising."

20

21 **Section 5.** Section 7-5-2411, MCA, is amended to read:

22 **"7-5-2411. County printing contract.** (1) The county commissioners shall contract for all ~~the~~  
23 ~~printing for the county, including~~ advertising required by law and all printed forms required by the county,  
24 ~~at a rate not exceeding that set by the board.~~ The advertising required by law ~~shall~~ must be awarded to a  
25 newspaper that:

26 (a) is published in the county;

27 (b) has general bona fide and paid circulation with the second-class mailing privilege; and

28 (c) has been published continuously ~~for~~ at least once a week in the county for the 12 months  
29 preceding the awarding of the contract.

30 ~~(2)(a) The county commissioners may separate the printing contract into two parts, one of which~~

1 ~~shall provide for the publication of legal advertising only. The legal advertising contract shall be let to a~~  
 2 ~~legally qualified newspaper. The other contract shall provide for all printed forms, materials, and supplies~~  
 3 ~~required by the county.~~

4 ~~(b) The contract for printed forms, materials, and supplies referred to in subsection (2)(a) or~~  
 5 ~~subsection (2)(c) shall be let:~~

6 ~~(i) to a commercial printing establishment or establishments, as the case may be, which has been~~  
 7 ~~in business in the county for at least 1 year and whose competitive bid is not more than 5% higher than~~  
 8 ~~that of the lowest responsible commercial printing establishment bidder doing business outside the county;~~  
 9 ~~or~~

10 ~~(ii) if no establishment qualifies under subsection (2)(b)(i), to the lowest responsible commercial~~  
 11 ~~printing establishment bidder. A contract for county printing may be awarded on an annual or biennial basis~~  
 12 ~~or for a specific printing job CONTRACTS FOR PRINTED FORMS AND MATERIALS MAY BE AWARDED ON~~  
 13 ~~AN ANNUAL BASIS OR MAY BE AWARDED FOR A SPECIFIC PRINTING JOB.~~

14 ~~(c) Contracts for printed forms, materials, and supplies may be awarded on an annual basis or may~~  
 15 ~~be awarded for a specific printing job.~~

16 ~~(3)(a) A contract may not call for payment by the county of any prices in excess of the maximum~~  
 17 ~~fixed by the board of county printing. The county clerk and recorder shall maintain a list of willing bidders~~  
 18 ~~for county printing and shall notify the printing establishments on the list of any call for bids.~~

19 ~~(b) A printing establishment must be added to the county clerk and recorder's list when the clerk~~  
 20 ~~and recorder receives a written request from the printing establishment.~~

21 ~~(c) The county clerk and recorder may delete the name of any printing establishment from the list~~  
 22 ~~if it has not submitted a bid during the previous 365 days.~~

23 ~~(4) Nothing in this part shall limit or restrict the power of a board of county commissioners to call~~  
 24 ~~for competitive bids from persons or firms qualified to bid on county printing under the terms of this part~~  
 25 ~~or to let contracts at prices less than the maximum fixed by the board of county printing."~~

26  
 27 **Section 6.** Section 7-5-2412, MCA, is amended to read:

28 **"7-5-2412. Details relating to printing contract.** (1) ~~The contract shall be let to the printing~~  
 29 ~~establishment that in the judgment of the~~ **CONTRACT MUST BE LET TO THE PRINTING ESTABLISHMENT**  
 30 **THAT IN THE JUDGMENT OF THE** county commissioners ~~shall~~ **IS THE MOST SUITABLE FOR PERFORMING**

1 THE WORK. THE COUNTY COMMISSIONERS SHALL REQUIRE A CONTRACTOR TO PERFORM THE  
 2 COUNTY PRINTING CONTRACT SUBJECT TO THE REQUIREMENTS OF 18-2-201 ~~be most suitable for~~  
 3 ~~performing said work. The county commissioners shall require of any contractor to do such county printing~~  
 4 ~~a good and sufficient deposit in such sum as said commissioners may deem advisable, signed by at least~~  
 5 ~~two sufficient sureties and conditioned to the effect that said contractor will faithfully perform all of the~~  
 6 ~~conditions of said contract in accordance with this part and the terms of such contract~~ accept the bid that  
 7 the commissioners determine to be the lowest and best bid on each printing contract offered by the county.

8 ~~(2) Nothing in this part shall be construed so as to compel the acceptance of unsatisfactory work.~~

9 (2) THIS PART MAY NOT BE CONSTRUED TO COMPEL THE ACCEPTANCE OF UNSATISFACTORY  
 10 WORK.

11 ~~(3)(2)(3) Such~~ The term of a contract for county printing, including OR county legal advertising,  
 12 ~~shall extend for~~ may not exceed a period of ~~not more than~~ 2 years. ~~Any printing establishments doing~~  
 13 ~~business in the county which may receive any contract for printing under this part and which may not be~~  
 14 ~~able to execute any part of such contract shall be required to sublet such contract or portion of contract~~  
 15 ~~to some printing establishment within the county if such is available and, if not, within the state, which~~  
 16 ~~shall do the work under the contract so sublet entirely within the state with Montana labor."~~

17  
 18 SECTION 7. SECTION 7-5-2413, MCA, IS AMENDED TO READ:

19 "7-5-2413. Competitive bids required. The board of county commissioners shall call for competitive  
 20 bids from persons or firms qualified to bid on county printing, or for county legal advertising if there is more  
 21 than one legally qualified newspaper in the county, under the terms of this part."  
 22

-END-



HOUSE BILL NO. 136

INTRODUCED BY ELLIS, KEENAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE METHOD OF CONTRACTING FOR COUNTY PRINTING; AND AMENDING SECTIONS 7-5-2401, 7-5-2403, 7-5-2404, 7-5-2405, 7-5-2411, AND 7-5-2412, AND 7-5-2413, MCA."

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

**Section 1.** Section 7-5-2401, MCA, is amended to read:

**"7-5-2401. Purpose of part.** The purpose of this part is to ~~require~~ PROVIDE:

(1) FOR the board of county printing to set maximum prices which that may be charged for county printing and legal advertising; and

(2) the board of county commissioners in each county to call for bids for all printed county forms and county legal advertising FOR THE PURCHASE OF COUNTY PRINTING CONTRACTS FOR PRINTED FORMS AND MATERIALS."

**Section 2.** Section 7-5-2403, MCA, is amended to read:

**"7-5-2403. Meetings of board of county printing.** The board shall meet ~~annually~~ when ordered by the governor or requested by a majority of the board members."

**Section 3.** Section 7-5-2404, MCA, is amended to read:

**"7-5-2404. Establishment of maximum prices.** (1) The board shall adopt and publish a schedule of maximum prices to be charged for county ~~printing and legal advertising. The prices shall be the full prices to be charged and shall include the paper stock specified, completion of all printing and other work, and delivery to the county courthouse.~~

(2) The board shall conduct hearings when required to determine maximum rates for county ~~printing legal advertising. Notice of intention to hold a the hearing shall be published at least 30 days before the date set for the hearing in a newspaper published in Helena, and a copy shall be mailed to each board of county commissioners~~ must be mailed to the Montana association of counties and the Montana

1 newspaper association.

2 (3) The board shall deliver, free of charge, to each board of county commissioners in this state a  
3 copy of every schedule of maximum prices adopted by the board within 30 days of its publication, together  
4 with a notice of the date fixed by the board when the prices will be effective.

5 (4) The county commissioners shall require each establishment that prints county legal advertising  
6 to verify that:

7 (a) the legal advertisement was published on the dates ordered by the county and in the style set  
8 by the board; and

9 (b) the price was not in excess of the maximum price set by the board.

10 (5) The board may not establish maximum prices for printed county forms."

11

12 **Section 4.** Section 7-5-2405, MCA, is amended to read:

13 **"7-5-2405. Adoption of printing standards.** The board shall adopt necessary standards for ~~sizes,~~  
14 ~~weights, and grades of paper stock, which shall conform to the uniform scale of sizes, weights, and grades~~  
15 ~~used by paper manufacturers, and for sizes and types of printing, ruling, and binding, which shall conform~~  
16 ~~as nearly as possible to the ordinary standards in use in the printing industry. For this purpose, reference~~  
17 ~~may be made to established standards or publications used in this state, and the board may provide for the~~  
18 ~~adoption of a standard list for those items not covered by the prices, regulations, or standards published~~  
19 ~~by the board~~ typeface, type size, type style, and type leading for county legal advertising."

20

21 **Section 5.** Section 7-5-2411, MCA, is amended to read:

22 **"7-5-2411. County printing contract.** (1) The county commissioners shall contract for all ~~the~~  
23 ~~printing for the county, including~~ advertising required by law and all printed forms required by the county,  
24 ~~at a rate not exceeding that set by the board.~~ The advertising required by law shall must be awarded to  
25 a newspaper that:

26 (a) is published in the county;

27 (b) has general bona fide and paid circulation with the second-class mailing privilege; and

28 (c) has been published continuously ~~for~~ at least once a week in the county for the 12 months  
29 preceding the awarding of the contract.

30 (2) ~~(a) The county commissioners may separate the printing contract into two parts, one of which~~

1 ~~shall provide for the publication of legal advertising only. The legal advertising contract shall be let to a~~  
 2 ~~legally qualified newspaper. The other contract shall provide for all printed forms, materials, and supplies~~  
 3 ~~required by the county.~~

4 ~~(b) The contract for printed forms, materials, and supplies referred to in subsection (2)(a) or~~  
 5 ~~subsection (2)(c) shall be let:~~

6 ~~(i) to a commercial printing establishment or establishments, as the case may be, which has been~~  
 7 ~~in business in the county for at least 1 year and whose competitive bid is not more than 5% higher than~~  
 8 ~~that of the lowest responsible commercial printing establishment bidder doing business outside the county;~~  
 9 ~~or~~

10 ~~(ii) if no establishment qualifies under subsection (2)(b)(i), to the lowest responsible commercial~~  
 11 ~~printing establishment bidder. A contract for county printing may be awarded on an annual or biennial basis~~  
 12 ~~or for a specific printing job. CONTRACTS FOR PRINTED FORMS AND MATERIALS MAY BE AWARDED ON~~  
 13 ~~AN ANNUAL BASIS OR MAY BE AWARDED FOR A SPECIFIC PRINTING JOB.~~

14 ~~(c) Contracts for printed forms, materials, and supplies may be awarded on an annual basis or may~~  
 15 ~~be awarded for a specific printing job.~~

16 (3) ~~(a) A contract may not call for payment by the county of any prices in excess of the maximum~~  
 17 ~~fixed by the board of county printing. The county clerk and recorder shall maintain a list of willing bidders~~  
 18 ~~for county printing and shall notify the printing establishments on the list of any call for bids.~~

19 ~~(b) A printing establishment must be added to the county clerk and recorder's list when the clerk~~  
 20 ~~and recorder receives a written request from the printing establishment.~~

21 ~~(c) The county clerk and recorder may delete the name of any printing establishment from the list~~  
 22 ~~if it has not submitted a bid during the previous 365 days.~~

23 ~~(4) Nothing in this part shall limit or restrict the power of a board of county commissioners to call~~  
 24 ~~for competitive bids from persons or firms qualified to bid on county printing under the terms of this part~~  
 25 ~~or to let contracts at prices less than the maximum fixed by the board of county printing."~~

26  
 27 **Section 6.** Section 7-5-2412, MCA, is amended to read:

28 **"7-5-2412. Details relating to printing contract. (1) The contract shall be let to the printing**  
 29 **establishment that in the judgment of the CONTRACT MUST BE LET TO THE PRINTING ESTABLISHMENT**  
 30 **THAT IN THE JUDGMENT OF THE county commissioners ~~shall~~ IS THE MOST SUITABLE FOR PERFORMING**

1 THE WORK. THE COUNTY COMMISSIONERS SHALL REQUIRE A CONTRACTOR TO PERFORM THE  
 2 COUNTY PRINTING CONTRACT SUBJECT TO THE REQUIREMENTS OF 18-2-201 ~~be most suitable for~~  
 3 ~~performing said work. The county commissioners shall require of any contractor to do such county printing~~  
 4 ~~a good and sufficient deposit in such sum as said commissioners may deem advisable, signed by at least~~  
 5 ~~two sufficient sureties and conditioned to the effect that said contractor will faithfully perform all of the~~  
 6 ~~conditions of said contract in accordance with this part and the terms of such contract~~ accept the bid that  
 7 the commissioners determine to be the lowest and best bid on each printing contract offered by the county.

8 ~~(2) Nothing in this part shall be construed so as to compel the acceptance of unsatisfactory work.~~

9 (2) THIS PART MAY NOT BE CONSTRUED TO COMPEL THE ACCEPTANCE OF UNSATISFACTORY  
 10 WORK.

11 ~~(3)(2)(3) Such~~ The term of a contract for county printing, including OR county legal advertising,  
 12 shall extend for may not exceed a period of not more than 2 years. ~~Any printing establishments doing~~  
 13 ~~business in the county which may receive any contract for printing under this part and which may not be~~  
 14 ~~able to execute any part of such contract shall be required to sublet such contract or portion of contract~~  
 15 ~~to some printing establishment within the county if such is available and, if not, within the state, which~~  
 16 ~~shall do the work under the contract so sublet entirely within the state with Montana labor."~~

17  
 18 SECTION 7. SECTION 7-5-2413, MCA, IS AMENDED TO READ:

19 "7-5-2413. Competitive bids required. The board of county commissioners shall call for  
 20 competitive bids from persons or firms qualified to bid on county printing, or for county legal advertising  
 21 if there is more than one legally qualified newspaper in the county, under the terms of this part."

22 -END-

## HOUSE BILL NO. 136

INTRODUCED BY ELLIS, KEENAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE METHOD OF CONTRACTING FOR COUNTY PRINTING; AND AMENDING SECTIONS 7-5-2401, 7-5-2403, 7-5-2404, 7-5-2405, 7-5-2411, AND 7-5-2412, AND 7-5-2413, MCA."

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

**Section 1.** Section 7-5-2401, MCA, is amended to read:

**"7-5-2401. Purpose of part.** The purpose of this part is to ~~require~~ PROVIDE:

(1) FOR the board of county printing to set maximum prices which that may be charged for county printing and legal advertising; and

(2) the board of county commissioners in each county to call for bids for all printed county forms and county legal advertising **FOR THE PURCHASE OF COUNTY PRINTING CONTRACTS FOR PRINTED FORMS AND MATERIALS."**

**Section 2.** Section 7-5-2403, MCA, is amended to read:

**"7-5-2403. Meetings of board of county printing.** The board shall meet ~~annually~~ when ordered by the governor or requested by a majority of the board members."

**Section 3.** Section 7-5-2404, MCA, is amended to read:

**"7-5-2404. Establishment of maximum prices.** (1) The board shall adopt and publish a schedule of maximum prices to be charged for county printing and legal advertising. ~~The prices shall be the full prices to be charged and shall include the paper stock specified, completion of all printing and other work, and delivery to the county courthouse.~~

(2) The board shall conduct hearings when required to determine maximum rates for county printing legal advertising. ~~Notice of intention to hold a the hearing shall be published at least 30 days before the date set for the hearing in a newspaper published in Helena, and a copy shall be mailed to each board of county commissioners~~ must be mailed to the Montana association of counties and the Montana

1 newspaper association.

2 (3) The board shall deliver, free of charge, to each board of county commissioners in this state a  
3 copy of every schedule of maximum prices adopted by the board within 30 days of its publication, together  
4 with a notice of the date fixed by the board when the prices will be effective.

5 (4) The county commissioners shall require each establishment that prints county legal advertising  
6 to verify that:

7 (a) the legal advertisement was published on the dates ordered by the county and in the style set  
8 by the board; and

9 (b) the price was not in excess of the maximum price set by the board.

10 (5) The board may not establish maximum prices for printed county forms."

11

12 **Section 4.** Section 7-5-2405, MCA, is amended to read:

13 "**7-5-2405. Adoption of printing standards.** The board shall adopt necessary standards for sizes,  
14 ~~weights, and grades of paper stock, which shall conform to the uniform scale of sizes, weights, and grades~~  
15 ~~used by paper manufacturers, and for sizes and types of printing, ruling, and binding, which shall conform~~  
16 ~~as nearly as possible to the ordinary standards in use in the printing industry. For this purpose, reference~~  
17 ~~may be made to established standards or publications used in this state, and the board may provide for the~~  
18 ~~adoption of a standard list for those items not covered by the prices, regulations, or standards published~~  
19 ~~by the board~~ typeface, type size, type style, and type leading for county legal advertising."

20

21 **Section 5.** Section 7-5-2411, MCA, is amended to read:

22 "**7-5-2411. County printing contract.** (1) The county commissioners shall contract for all ~~the~~  
23 ~~printing for the county, including~~ advertising required by law and all printed forms required by the county,  
24 ~~at a rate not exceeding that set by the board.~~ The advertising required by law shall must be awarded to  
25 a newspaper that:

26 (a) is published in the county;

27 (b) has general bona fide and paid circulation with the second-class mailing privilege; and

28 (c) has been published continuously ~~for~~ at least once a week in the county for the 12 months  
29 preceding the awarding of the contract.

30 (2) ~~(a) The county commissioners may separate the printing contract into two parts, one of which~~

1 ~~shall provide for the publication of legal advertising only. The legal advertising contract shall be let to a~~  
 2 ~~legally qualified newspaper. The other contract shall provide for all printed forms, materials, and supplies~~  
 3 ~~required by the county.~~

4 ~~(b) The contract for printed forms, materials, and supplies referred to in subsection (2)(a) or~~  
 5 ~~subsection (2)(c) shall be let:~~

6 ~~(i) to a commercial printing establishment or establishments, as the case may be, which has been~~  
 7 ~~in business in the county for at least 1 year and whose competitive bid is not more than 5% higher than~~  
 8 ~~that of the lowest responsible commercial printing establishment bidder doing business outside the county;~~

9 ~~or~~

10 ~~(ii) if no establishment qualifies under subsection (2)(b)(i), to the lowest responsible commercial~~  
 11 ~~printing establishment bidder. A contract for county printing may be awarded on an annual or biennial basis~~  
 12 ~~or for a specific printing job CONTRACTS FOR PRINTED FORMS AND MATERIALS MAY BE AWARDED ON~~

13 ~~AN ANNUAL BASIS OR MAY BE AWARDED FOR A SPECIFIC PRINTING JOB.~~

14 ~~(c) Contracts for printed forms, materials, and supplies may be awarded on an annual basis or may~~  
 15 ~~be awarded for a specific printing job.~~

16 (3) ~~(a) A contract may not call for payment by the county of any prices in excess of the maximum~~  
 17 ~~fixed by the board of county printing. The county clerk and recorder shall maintain a list of willing bidders~~  
 18 ~~for county printing and shall notify the printing establishments on the list of any call for bids.~~

19 ~~(b) A printing establishment must be added to the county clerk and recorder's list when the clerk~~  
 20 ~~and recorder receives a written request from the printing establishment.~~

21 ~~(c) The county clerk and recorder may delete the name of any printing establishment from the list~~  
 22 ~~if it has not submitted a bid during the previous 365 days.~~

23 ~~(4) Nothing in this part shall limit or restrict the power of a board of county commissioners to call~~  
 24 ~~for competitive bids from persons or firms qualified to bid on county printing under the terms of this part~~  
 25 ~~or to let contracts at prices less than the maximum fixed by the board of county printing."~~

26  
 27 **Section 6.** Section 7-5-2412, MCA, is amended to read:

28 **"7-5-2412. Details relating to printing contract.** (1) ~~The contract shall be let to the printing~~  
 29 ~~establishment that in the judgment of the CONTRACT MUST BE LET TO THE PRINTING ESTABLISHMENT~~  
 30 ~~THAT IN THE JUDGMENT OF THE county commissioners shall IS THE MOST SUITABLE FOR PERFORMING~~

1 THE WORK. THE COUNTY COMMISSIONERS SHALL REQUIRE A CONTRACTOR TO PERFORM THE  
 2 COUNTY PRINTING CONTRACT SUBJECT TO THE REQUIREMENTS OF 18-2-201 ~~be most suitable for~~  
 3 ~~performing said work. The county commissioners shall require of any contractor to do such county printing~~  
 4 ~~a good and sufficient deposit in such sum as said commissioners may deem advisable, signed by at least~~  
 5 ~~two sufficient sureties and conditioned to the effect that said contractor will faithfully perform all of the~~  
 6 ~~conditions of said contract in accordance with this part and the terms of such contract~~ accept the bid that  
 7 the commissioners determine to be the lowest and best bid on each printing contract offered by the county.

8 ~~(2) Nothing in this part shall be construed so as to compel the acceptance of unsatisfactory work.~~

9 (2) THIS PART MAY NOT BE CONSTRUED TO COMPEL THE ACCEPTANCE OF UNSATISFACTORY  
 10 WORK.

11 ~~(3)(2)(3) Such~~ The term of a contract for county printing, including OR county legal advertising,  
 12 ~~shall extend for~~ may not exceed a period of ~~not more than~~ 2 years. ~~Any printing establishments doing~~  
 13 ~~business in the county which may receive any contract for printing under this part and which may not be~~  
 14 ~~able to execute any part of such contract shall be required to sublet such contract or portion of contract~~  
 15 ~~to some printing establishment within the county if such is available and, if not, within the state, which~~  
 16 ~~shall do the work under the contract so sublet entirely within the state with Montana labor."~~

17  
 18 SECTION 7. SECTION 7-5-2413, MCA, IS AMENDED TO READ:

19 "7-5-2413. **Competitive bids required.** The board of county commissioners shall call for  
 20 competitive bids from persons or firms qualified to bid on county printing, or for county legal advertising  
 21 if there is more than one legally qualified newspaper in the county, under the terms of this part."

22 -END-



GOVERNOR'S AMENDMENTS TO  
HOUSE BILL NO. 136  
(REFERENCE COPY)  
March 21, 1995

1. Page 4, line 2.  
Following: "OF"  
Strike: "18-2-201"  
Insert: "title 18, chapter 1, part 2"

## 1 HOUSE BILL NO. 136

2 INTRODUCED BY ELLIS, KEENAN

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE METHOD OF CONTRACTING FOR COUNTY  
5 PRINTING; AND AMENDING SECTIONS 7-5-2401, 7-5-2403, 7-5-2404, 7-5-2405, 7-5-2411, AND  
6 7-5-2412, AND 7-5-2413, MCA."

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

9  
10 **Section 1.** Section 7-5-2401, MCA, is amended to read:

11 "7-5-2401. **Purpose of part.** The purpose of this part is to ~~require~~ PROVIDE:

12 (1) FOR the board of county printing to set maximum prices ~~which~~ that may be charged for county  
13 ~~printing and~~ legal advertising; and

14 ~~(2) the board of county commissioners in each county to call for bids for all printed county forms~~  
15 ~~and county legal advertising~~ FOR THE PURCHASE OF COUNTY PRINTING CONTRACTS FOR PRINTED  
16 FORMS AND MATERIALS."

17  
18 **Section 2.** Section 7-5-2403, MCA, is amended to read:

19 "7-5-2403. **Meetings of board of county printing.** The board shall meet ~~annually~~ when ordered by  
20 the governor or requested by a majority of the board members."

21  
22 **Section 3.** Section 7-5-2404, MCA, is amended to read:

23 "7-5-2404. **Establishment of maximum prices.** (1) The board shall adopt and publish a schedule  
24 of maximum prices to be charged for county ~~printing and~~ legal advertising. ~~The prices shall be the full~~  
25 ~~prices to be charged and shall include the paper stock specified, completion of all printing and other work,~~  
26 ~~and delivery to the county courthouse.~~

27 (2) The board shall conduct hearings when required to determine maximum rates for county  
28 ~~printing~~ legal advertising. Notice of ~~intention to hold a~~ the hearing shall be ~~published at least 30 days~~  
29 ~~before the date set for the hearing in a newspaper published in Helena, and a copy shall be mailed to each~~  
30 ~~board of county commissioners~~ must be mailed to the Montana association of counties and the Montana

1 newspaper association.

2 (3) The board shall deliver, free of charge, to each board of county commissioners in this state a  
3 copy of every schedule of maximum prices adopted by the board within 30 days of its publication, together  
4 with a notice of the date fixed by the board when the prices will be effective.

5 (4) The county commissioners shall require each establishment that prints county legal advertising  
6 to verify that:

7 (a) the legal advertisement was published on the dates ordered by the county and in the style set  
8 by the board; and

9 (b) the price was not in excess of the maximum price set by the board.

10 (5) The board may not establish maximum prices for printed county forms."

11

12 **Section 4.** Section 7-5-2405, MCA, is amended to read:

13 **"7-5-2405. Adoption of printing standards.** The board shall adopt necessary standards for sizes,  
14 ~~weights, and grades of paper stock, which shall conform to the uniform scale of sizes, weights, and grades~~  
15 ~~used by paper manufacturers, and for sizes and types of printing, ruling, and binding, which shall conform~~  
16 ~~as nearly as possible to the ordinary standards in use in the printing industry. For this purpose, reference~~  
17 ~~may be made to established standards or publications used in this state, and the board may provide for the~~  
18 ~~adoption of a standard list for those items not covered by the prices, regulations, or standards published~~  
19 ~~by the board~~ typeface, type size, type style, and type leading for county legal advertising."

20

21 **Section 5.** Section 7-5-2411, MCA, is amended to read:

22 **"7-5-2411. County printing contract.** (1) The county commissioners shall contract for all ~~the~~  
23 ~~printing for the county, including~~ advertising required by law and all printed forms required by the county,  
24 ~~at a rate not exceeding that set by the board.~~ The advertising required by law shall must be awarded to  
25 a newspaper that:

26 (a) is published in the county;

27 (b) has general bona fide and paid circulation with the second-class mailing privilege; and

28 (c) has been published continuously ~~for~~ at least once a week in the county for the 12 months  
29 preceding the awarding of the contract.

30 (2) ~~(a) The county commissioners may separate the printing contract into two parts, one of which~~

1 shall provide for the publication of legal advertising only. The legal advertising contract shall be let to a  
 2 legally qualified newspaper. The other contract shall provide for all printed forms, materials, and supplies  
 3 required by the county.

4 (b) ~~The contract for printed forms, materials, and supplies referred to in subsection (2)(a) or~~  
 5 ~~subsection (2)(c) shall be let:~~

6 (i) ~~to a commercial printing establishment or establishments, as the case may be, which has been~~  
 7 ~~in business in the county for at least 1 year and whose competitive bid is not more than 5% higher than~~  
 8 ~~that of the lowest responsible commercial printing establishment bidder doing business outside the county;~~  
 9 ~~or~~

10 (ii) ~~if no establishment qualifies under subsection (2)(b)(i), to the lowest responsible commercial~~  
 11 ~~printing establishment bidder. A contract for county printing may be awarded on an annual or biennial basis~~  
 12 ~~or for a specific printing job. CONTRACTS FOR PRINTED FORMS AND MATERIALS MAY BE AWARDED ON~~  
 13 ~~AN ANNUAL BASIS OR MAY BE AWARDED FOR A SPECIFIC PRINTING JOB.~~

14 (c) ~~Contracts for printed forms, materials, and supplies may be awarded on an annual basis or may~~  
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 17 ~~fixed by the board of county printing. The county clerk and recorder shall maintain a list of willing bidders~~  
 18 ~~for county printing and shall notify the printing establishments on the list of any call for bids.~~

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 20 ~~and recorder receives a written request from the printing establishment.~~

21 (c) ~~The county clerk and recorder may delete the name of any printing establishment from the list~~  
 22 ~~if it has not submitted a bid during the previous 365 days.~~

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 30 **THAT IN THE JUDGMENT OF THE county commissioners shall IS THE MOST SUITABLE FOR PERFORMING**

1 THE WORK. THE COUNTY COMMISSIONERS SHALL REQUIRE A CONTRACTOR TO PERFORM THE  
 2 COUNTY PRINTING CONTRACT SUBJECT TO THE REQUIREMENTS OF 18-2-201 TITLE 18, CHAPTER 1,  
 3 PART 2 be most suitable for performing said work. The county commissioners shall require of any  
 4 contractor to do such county printing a good and sufficient deposit in such sum as said commissioners may  
 5 deem advisable, signed by at least two sufficient sureties and conditioned to the effect that said contractor  
 6 will faithfully perform all of the conditions of said contract in accordance with this part and the terms of  
 7 such contract accept the bid that the commissioners determine to be the lowest and best bid on each  
 8 printing contract offered by the county.

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 14 business in the county which may receive any contract for printing under this part and which may not be  
 15 able to execute any part of such contract shall be required to sublet such contract or portion of contract  
 16 to some printing establishment within the county if such is available and, if not, within the state, which  
 17 shall do the work under the contract so sublet entirely within the state with Montana labor."

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-END-