

1 HOUSE BILL NO. 92

2 INTRODUCED BY TASH

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
6 TO BYPASS THE COMPETITIVE BIDDING PROCESS IN THE RESTORATION AND PRESERVATION OF
7 HISTORIC SITES AT BANNACK IF IT IS COST-EFFECTIVE AND NECESSARY TO PREVENT DEGRADATION
8 AND LOSS; AMENDING SECTION 18-2-301, MCA; AND PROVIDING AN EFFECTIVE DATE."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11

12 **Section 1.** Section 18-2-301, MCA, is amended to read:

13 **"18-2-301. Bids required -- advertising.** (1) It is unlawful for any offices, departments, institutions,
14 or any agent of the state of Montana acting for or in behalf of the state to do, to cause to be done, or to
15 let any contract for the construction of buildings or the alteration and improvement of buildings and
16 adjacent grounds on behalf of and for the benefit of the state when the amount involved is \$25,000 or
17 more without first advertising in at least one issue each week for 3 consecutive weeks in two newspapers
18 published in the state, one of which must be published at the seat of government and the other in the
19 county where the work is to be performed, calling for sealed bids to perform the work and stating the time
20 and place bids will be considered.

21 (2) All work may be done, caused to be done, or contracted for only after competitive bidding.

22 (3) If responsible bids are not received after two attempts, the department or agency may contract
23 for the work in a manner determined to be cost-effective for the state.

24 (4) This section does not apply to work done by inmates at an institution in the department of
25 corrections.

26 (5) (a) The provisions of Montana law governing advertising and competitive bidding do not apply
27 when the department of fish, wildlife, and parks is preserving or restoring the historic buildings and
28 resources that it owns at Bannack if:

29 (i) the options listed in subsection (5)(b) are determined to be more cost-effective for the state; and

30 (ii) the implementation of the options listed in subsection (5)(b) is necessary to save historic

1 buildings and resources from degradation and loss.

2 (b) For the preservation or restoration of historic buildings and resources at Bannack when the
3 conditions listed in subsection (5)(a) are met, the department of fish, wildlife, and parks may accomplish
4 the preservation or restoration through:

5 (i) a memorandum of understanding with a local, state, or federal entity or nonprofit organization
6 when the entity or organization demonstrates the competence, knowledge, and qualifications to preserve
7 or restore historic resources;

8 (ii) the use of qualified and trained department of fish, wildlife, and parks employees and volunteers;

9 (iii) a training program in historic preservation and restoration conducted by a qualified local, state,
10 or federal entity or a qualified nonprofit organization; or

11 (iv) any combination of the options described in subsection (5)(b)."

12

13 **NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 1997.

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