

1 HOUSE BILL NO. 53

2 INTRODUCED BY G. NIKOLAKAKOS

3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PUBLIC CONTRACT LAW TO ALLOW FOR TROOP  
6 LABOR TO EXECUTE PROJECTS; AND AMENDING SECTION 18-2-301, MCA."

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

9  
10 **Section 1.** Section 18-2-301, MCA, is amended to read:

11 **"18-2-301. Bids required -- public notice.** (1) (a) Offices, departments, or institutions, or any agent  
12 of the state of Montana acting for or on behalf of the state, may not do, cause to be done, or let any contract for  
13 the construction of buildings or the alteration and improvement of buildings and adjacent grounds on behalf of  
14 and for the benefit of the state when the amount involved is \$150,000 or more without first providing public  
15 notice for 3 consecutive weeks, calling for sealed bids to perform the work, and stating the time and place bids  
16 will be considered. Notice may include electronic notification, publication in newspapers of general circulation,  
17 or other appropriate means.

18 (b) Starting July 1, 2028, and every 5 years after that, the department shall adjust the limits in  
19 subsection (1)(a) for inflation. The inflation adjustment is determined by dividing the consumer price index for  
20 June of the previous tax year by the consumer price index for June 2023. The newly adjusted limits must be  
21 rounded to the nearest \$1,000 and adopted by rule.

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

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

25 (4) This section does not apply to work done by inmates at an institution in the department of  
26 corrections ~~or by military personnel at an institution or training area in the department of military affairs.~~

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

1 that it owns at Bannack if:

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

4 (ii) the implementation of the options listed in subsection (5)(b) is necessary to save historic  
5 buildings and resources from degradation and loss.

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

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

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

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

16 (iv) any combination of the options described in ~~subsection (5)(b)~~ subsections (5)(b)(i) through  
17 (5)(b)(iii).

18 (C) THE PROVISIONS OF MONTANA LAW GOVERNING ADVERTISING AND COMPETITIVE BIDDING DO NOT  
19 APPLY WHEN THE DEPARTMENT OF MILITARY AFFAIRS, IN CONJUNCTION WITH MILITARY TRAINING, IS ENSURING THE  
20 NECESSARY UPGRADES, PRESERVATION, AND RESTORATION OF FACILITIES WITHIN THEIR JURISDICTION OR ENSURING  
21 THE PREPAREDNESS OF MILITARY PERSONNEL."

22 - END -