

SENATE BILL NO. 191

INTRODUCED BY R. DRISCOLL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXCEPTION FROM THE MONTANA
5 PROCUREMENT ACT FOR CONTRACTS CONCERNING STATE PARKS, STATE RECREATIONAL AREAS,
6 STATE MONUMENTS, AND STATE HISTORIC SITES; AMENDING SECTIONS 18-4-313 AND 23-1-102, MCA;
7 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11 **Section 1.** Section 18-4-313, MCA, is amended to read:

12 **"18-4-313. Contracts -- terms, extensions, and time limits.** (1) Except as provided in subsection (2)
13 or unless otherwise provided by law, a contract, lease, or rental agreement for supplies or services may not be
14 made for a period of more than 7 years. A contract, lease, or rental agreement may be extended or renewed if
15 the terms of the extension or renewal, if any, are included in the solicitation, if funds are available for the first fiscal
16 period at the time of the agreement, and if the total contract period, including any extension or renewal, does not
17 exceed 7 years. Payment and performance obligations for succeeding fiscal periods are subject to the availability
18 and appropriation of funds for the fiscal periods.

19 (2) The contract term limit specified in subsection (1) does not apply to:

20 (a) a contract for hardware, software, or other information technology resources, which may be made
21 for a period not to exceed 10 years;

22 (b) a department of revenue liquor store contract governed by the term specified in 16-2-101;

23 (c) a department of corrections contract governed by the term specified in 53-1-203, 53-30-505, or
24 53-30-608; ~~and~~

25 (d) the department of administration state employee group benefit plans contracts governed by the term
26 specified in 2-18-811, including group benefit plan contracts made in partnership with the Montana university
27 system group benefit plan; ~~and~~

28 (e) a contract for concessions or visitor services for a state park, state recreational area, state monument,
29 or state historic site established under Title 23, chapter 1, part 1, that, with the consent of the state parks and
30 recreation board, may be made for a period of not more than 20 years.

- 1 (3) Prior to the issuance, extension, or renewal of a contract, it must be determined that:
- 2 (a) estimated requirements cover the period of the contract and are reasonably firm and continuing; and
- 3 (b) the contract will serve the best interests of the state by encouraging effective competition or otherwise
- 4 promoting economies in state procurement.
- 5 (4) If funds are not appropriated or otherwise made available to support continuation of performance in
- 6 a subsequent fiscal period, the contract must be canceled."

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8 **Section 2.** Section 23-1-102, MCA, is amended to read:

9 **"23-1-102. Powers and duties of department.** (1) The department shall make a study to determine the

10 scenic, historic, archaeologic, scientific, and recreational resources of the state. The department may:

11 (a) by purchase, lease, agreement, or acceptance of donations acquire for the state any areas, sites,

12 or objects that in its opinion should be held, improved, and maintained as state parks, state recreational areas,

13 state monuments, or state historic sites;

14 (b) with the consent of the board, acquire by condemnation, pursuant to Title 70, chapter 30, lands or

15 structures for the purposes provided in 87-1-209(2);

16 (c) with the consent of the board, enter into a contract for concessions or visitor services for a state park,

17 state recreational area, state monument, or state historic site established under this part, which may be made

18 for a period of not more than 20 years.

19 ~~(c)(d)~~ accept in the name of the state, in fee or otherwise, any areas, sites, or objects conveyed,

20 entrusted, donated, or devised to the state; and

21 ~~(d)(e)~~ lease those portions of designated lands that are necessary for the proper administration of the

22 lands in keeping with the basic purposes of this part.

23 (2) The department may accept gifts, grants, bequests, or contributions of money or other property to

24 be spent or used for any of the purposes of this part.

25 (3) A contract, for any of the purposes of this part, may not be entered into or another obligation incurred

26 until money has been appropriated by the legislature or is otherwise available. If the contract or obligation pertains

27 to acquisition of areas or sites in excess of either 100 acres or \$100,000 in value, the board of land

28 commissioners shall specifically approve the acquisition.

29 (4) The department has jurisdiction, custody, and control of all state parks, recreational areas, public

30 camping grounds, historic sites, and monuments, except wayside camps and other public conveniences acquired,

1 improved, and maintained by the department of transportation and contiguous to the state highway system. The
2 department may designate lands under its control as state parks, state historic sites, state monuments, or any
3 other designation that it considers appropriate. The department may remove or change the designation of any
4 area or portion of an area and may name or change the name of any area."

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6 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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