

HOUSE JOINT RESOLUTION NO. 42

INTRODUCED BY B. EDWARDS, E. BYRNE, M. CAFERRO, D. HARVEY, K. LOVE, E. MATTHEWS, B.  
MERCER, T. RUNNING WOLF, K. SULLIVAN, E. KERR-CARPENTER

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
MONTANA REQUESTING AN INTERIM STUDY OF STATE AGENCY PROCUREMENT PRACTICES; AND  
REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, the Montana Procurement Act has several beneficial purposes, including ensuring fair and  
equitable treatment of all people who deal with the procurement system in the state of Montana, providing  
increased economy in state procurement activities, maximizing the purchasing value of public funds, and  
providing for increased public confidence in the procedures followed by the state in procuring services; and

WHEREAS, all state agencies have a responsibility to adhere to the Montana Procurement Act to  
ensure the responsible, consistent, and transparent use of public funds; and

WHEREAS, in recent years there have been multiple state agency procurements that have raised  
questions about transparency and the appropriate use of public funds; and

WHEREAS, the Legislature has a vested interest in ensuring that all laws, including the Montana  
Procurement Act, are adhered to.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF  
THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory  
committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

- (1) review state statutes and administrative rules related to state agency procurement;
- (2) identify the policies and procedures state agencies use when determining whether to follow  
standard procurement procedures or how they otherwise determine whether to seek bids or proposals for  
services;
- (3) identify any practical obstacles that may impact state agency procurement procedures;

# Amendment - 1st Reading-white - Requested by: Becky Edwards - (H) State Administration

69th Legislature - 2025

Drafter: Rebecca Power,

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(4) examine ~~all procurement items over \$25,000 for all state agencies~~ a sampling of procurement contracts from all state agencies, as determined by the designated committee, over from the past 4 years, in an amount to not be unduly burdensome to agency staff, and determine which, if any, have deviated from the Montana Procurement Act;

(5) develop an accounting of the amount of money state agencies have paid to vendors who were selected outside of the standard procurement process;

(6) evaluate the contracts that have deviated from standard processes for signs of waste, fraud, or abuse;

(7) investigate ways to standardize and centralize reporting of all state agency procurement contracts; and

(8) develop recommendations for changes to statute, administrative rule, and agency procedure to prevent future deviations from the Montana Procurement Act.

BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

- END -