

1 HOUSE BILL NO. 347
 2 INTRODUCED BY Garrison Dyer
 3 BY REQUEST OF THE COMMITTEE ON INDIAN AFFAIRS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE NEPOTISM
 6 LAW TO AUTHORIZE SCHOOL DISTRICT TRUSTEES TO APPOINT A
 7 TRUSTEE'S RELATIVE; AMENDING SECTION 2-2-302, MCA; AND
 8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 2-2-302, MCA, is amended to read:

12 "2-2-302. Appointment of relative to office of trust or
 13 emolument unlawful -- exceptions -- publication of notice.

14 (1) ~~It shall be~~ Except as provided in subsection (2), it is
 15 unlawful for any person or any member of any board, bureau,
 16 or commission or employee at the head of any department of
 17 this state or any political subdivision thereof to appoint
 18 to any position of trust or emolument any person related or
 19 connected by consanguinity within the fourth degree or by
 20 affinity within the second degree.

21 (2) The provisions of this section and 2-2-303 do not
 22 apply to:

23 (a) sheriffs in the appointment of persons as cooks
 24 and/or or attendants;

25 (b) school district trustees if at least two-thirds of

1 the trustees approve the appointment of a person related to
 2 a trustee; and
 3 (b)(c) the renewal of an employment contract of a
 4 person who was initially hired before the member of the
 5 board, bureau, or commission or the department head to whom
 6 he is related assumed the duties of the office.

7 (3) Prior to the appointment of a person referred to in
 8 subsection (2), the school district trustees shall give
 9 written notice of the time and place of their intended
 10 action. The notice must be published at least 15 days prior
 11 to the trustees' intended action in a newspaper of general
 12 circulation in the county in which the school district is
 13 located."

14 NEW SECTION. Section 2. Effective date. {This act} is
 15 effective on passage and approval.

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

HOUSE BILL NO. 347

INTRODUCED BY GERVAIS, GAGE, SVRCEK

BY REQUEST OF THE COMMITTEE ON INDIAN AFFAIRS

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ALL the trustees, WITH THE EXCEPTION OF ANY TRUSTEE WHO IS RELATED TO THE PERSON BEING APPOINTED AND WHO MUST ABSTAIN FROM VOTING FOR THE APPOINTMENT, approve the appointment of a person related to a trustee; and

(b)(c) the renewal of an employment contract of a person who was initially hired before the member of the board, bureau, or commission or the department head to whom he is related assumed the duties of the office.

(3) Prior to the appointment of a person referred to in subsection (2), the school district trustees shall give written notice of the time and place of their intended action. The notice must be published at least 15 days prior to the trustees' intended action in a newspaper of general circulation in the county in which the school district is located."

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

-End-

SECOND READING



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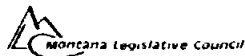
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