

1 House BILL NO. 190
 2 INTRODUCED BY Frank Carey
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 5 59-519 AND 59-520, R.C.M. 1947, TO ALLOW SCHOOL BOARDS TO
 6 APPOINT SCHOOL PERSONNEL WITHIN ONE DEGREE OF CONSANGUINITY
 7 AND AFFINITY."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 59-519, R.C.M. 1947, is amended to
 11 read as follows:

12 "59-519. Appointment of relative to office of trust or
 13 emolument unlawful. It shall be unlawful for any person or
 14 any member of any board, bureau or commission, or employee
 15 at the head of any department of this state or any political
 16 subdivision thereof to appoint to any position of trust or
 17 emolument any person or persons related to him or them or
 18 connected with him or them by consanguinity within the
 19 fourth degree, or by affinity within the second degree;
 20 except that the provisions of this section shall not apply
 21 to sheriffs in the appointment of females persons as cook:
 22 and/or matrons, attendants nor shall it apply to actions of
 23 school boards in appointing school personnel, including
 24 teachers, except that they may not be related by
 25 consanguinity or affinity within one degree. It shall

1 further be unlawful for any person or any member of any
 2 board, bureau or commission, or employee of any department
 3 of this state, or any political subdivision thereof to enter
 4 into any agreement or any promise with other persons or any
 5 members of any boards, bureaus or commissions, or employees
 6 of any department of this state or any of its political
 7 subdivisions thereof to appoint to any position of trust or
 8 emolument any person or persons related to them or connected
 9 with them by consanguinity within the fourth degree, or by
 10 affinity within the second degree."

11 Section 2. Section 59-520, R.C.M. 1947, is amended to
 12 read as follows:

13 "59-520. Penalty for violation of nepotism law. Any
 14 public officer or employee, or any member of any board,
 15 bureau or commission of this state or any political
 16 subdivision thereof who shall, by virtue of his office, have
 17 the right to make or appoint any person to render services
 18 to this state or any subdivision thereof, and who shall make
 19 or appoint to such services or enter into any agreement or
 20 promise with any other person or employee, or any member of
 21 any board, bureau or commission of any other department of
 22 this state or any of its subdivisions to appoint to any
 23 position any person or persons related to him or them, or
 24 connected with him or them by consanguinity within the
 25 fourth degree, or by affinity within the second degree,

HB 190

1 except as provided in section 59-519, shall thereby be
2 guilty of a misdemeanor and upon conviction thereof shall be
3 punished by a fine not less than fifty dollars (\$50) nor
4 more than one thousand dollars, (\$1000) or by imprisonment
5 in the county jail for not less than six (6) months, or by
6 both such fine and imprisonment."

-End-

Approved by Committee
on Education

HOUSE BILL NO. 190

INTRODUCED BY LUND, CASEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 59-519 AND 59-520, R.C.M. 1947, TO ALLOW SCHOOL BOARDS TO APPOINT SCHOOL PERSONNEL WITHIN ONE DEGREE OF CONSANGUINITY AND AFFINITY."

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NOTHING IN THIS SECTION PROHIBITS A SCHOOL BOARD FROM APPOINTING SCHOOL PERSONNEL, INCLUDING TEACHERS, RELATED BY ONE (1) DEGREE OF CONSANGUINITY OR AFFINITY, IF, AFTER NOTICE OF AN AVAILABLE POSITION BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE SCHOOL DISTRICT, THERE IS NO APPLICANT FOR THE POSITION WHO IS NOT RELATED TO A MEMBER OF THE SCHOOL BOARD. It shall further be unlawful for any person or any member of any board, bureau or commission, or employee of any department of this state, or any political subdivision thereof to enter into any agreement or any promise with other persons or any members of any boards, bureaus or commissions, or employees of any department of this state or any of its political subdivisions thereof to appoint to any position of trust or emolument any person or persons related to them or connected with them by consanguinity within the fourth degree, or by affinity within the second degree."

Section 2. Section 59-520, R.C.M. 1947, is amended to read as follows:

"59-520. Penalty for violation of nepotism law. Any public officer or employee, or any member of any board, bureau or commission of this state or any political subdivision thereof who shall, by virtue of his office, have the right to make or appoint any person to render services to this state or any subdivision thereof, and who shall make

1 or appoint to such services or enter into any agreement or
2 promise with any other person or employee, or any member of
3 any board, bureau or commission of any other department of
4 this state or any of its subdivisions to appoint to any
5 position any person or persons related to him or them, or
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11 more than one thousand dollars (\$1000), or by imprisonment
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NOTHING IN THIS SECTION PROHIBITS A SCHOOL BOARD FROM APPOINTING SCHOOL PERSONNEL, INCLUDING TEACHERS, RELATED BY ONE-~~(1)~~-DEGREE TWO (2) DEGREES OR MORE OF CONSANGUINITY OR AFFINITY, IF, AFTER NOTICE OF AN AVAILABLE POSITION BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE SCHOOL DISTRICT, THERE IS NO APPLICANT FOR THE POSITION WHO IS NOT RELATED TO A MEMBER OF THE SCHOOL BOARD. It shall further be unlawful for any person or any member of any board, bureau or commission, or employee of any department of this state, or any political subdivision thereof to enter into any agreement or any promise with other persons or any members of any boards, bureaus or commissions, or employees of any department of this state or any of its political subdivisions thereof to appoint to any position of trust or emolument any person or persons related to them or connected with them by consanguinity within the fourth degree, or by affinity within the second degree."

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