

1 House BILL NO. 652
 2 INTRODUCED BY Kearney
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXCEPT OFFICIALS AND
 5 ADMINISTRATORS IN PUBLIC SCHOOLS FROM STATE NEPOTISM RULES
 6 AND PROVIDE THAT TRIBAL NEPOTISM LAWS AND RULES SHALL BE
 7 ENFORCED; AMENDING SECTION 59-519, R.C.M. 1947."
 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 -- exceptions. (1) It shall be unlawful
 14 for any person or any member of any board, bureau or
 15 commission, or employee at the head of any department of
 16 this state or any political subdivision thereof to appoint
 17 to any position of trust or emolument any person related or
 18 connected by consanguinity within the fourth degree, or by
 19 affinity within the second degree, except that--the
 20 provisions of this section shall not apply to--sheriffs--in
 21 the appointment of persons--as cooks and/or attendants--as
 22 provided in subsection (2). It shall further be unlawful
 23 for any person or any member of any board, bureau or
 24 commission, or employee of any department of this state, or
 25 any political subdivision thereof to enter into any

1 agreement or any promise with other persons or any members
 2 of any boards, bureaus or commissions, or employees of any
 3 department of this state or any of its political
 4 subdivisions thereof to appoint to any position of trust or
 5 emolument any person or persons related to them or connected
 6 with them by consanguinity within the fourth degree, or by
 7 affinity within the second degree, except as provided in
 8 subsection (2).

9 (2) This act does not apply to:
 10 (a) sheriffs in the appointment of persons as cooks or
 11 attendants; or
 12 (b) officials or administrators in public school
 13 systems on Indian reservations."

14 Section 2. Nepotism rules for Indian schools. (1) The
 15 board of trustees or other governing body of schools on
 16 Indian reservations shall abide by tribal nepotism laws or
 17 formulate rules regarding nepotism.

18 (2) Rules regarding nepotism formulated by a governing
 19 body must prohibit school officials from participating in
 20 any decisions affecting the employment, promotion, or
 21 termination of employees related by marriage or blood to the
 22 second degree.

-End-

Approved by Committee
on Education

HOUSE BILL NO. 652

INTRODUCED BY KENNERLY

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXCEPT OFFICIALS AND ADMINISTRATORS IN ~~CERTAIN~~ PUBLIC SCHOOLS FROM STATE NEPOTISM RULES AND PROVIDE THAT TRIBAL NEPOTISM LAWS AND RULES SHALL BE ENFORCED; AMENDING SECTION 59-519, R.C.M. 1947."

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

Section 1. Section 59-519, R.C.M. 1947, is amended to read as follows:

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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, except as provided in subsection (2).

(2) This act does not apply to:

(a) sheriffs in the appointment of persons as cooks or attendants; or

(b) officials or administrators in public school systems on Indian reservations."

~~Section 2. Nepotism rules for Indian schools. (1) The board of trustees or other governing body of schools on Indian reservations shall abide by tribal nepotism laws or formulate rules regarding nepotism~~

~~(2) Rules regarding nepotism formulated by a governing body must prohibit school officials from participating in any decisions affecting the employment, promotion, or termination of employees related by marriage or blood to the second degree.~~

THERE IS A NEW R.C.M. SECTION THAT READS AS FOLLOWS:

Nepotism rules for Indian schools. (1) The board of trustees of public schools within the exterior boundaries of

1 Indian reservations whose elected membership constitutes a
2 majority of Indians on the board shall abide by tribal
3 nepotism laws.

4 (2) When there is an absence of tribal nepotism laws,
5 the local school district shall adopt its own written
6 policies which will be submitted to the tribal council on or
7 before July 1, 1977, for approval for use as the local
8 nepotism law until the tribe establishes its own nepotism
9 law.

-End-

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXCEPT OFFICIALS AND
5 ADMINISTRATORS IN CERTAIN PUBLIC SCHOOLS FROM STATE NEPOTISM
6 RULES AND PROVIDE THAT TRIBAL NEPOTISM LAWS AND RULES SHALL
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19 affinity within the second degree, except that the
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1 agreement or any promise with other persons or any members
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3 department of this state or any of its political
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5 emolument any person or persons related to them or connected
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THIRD READING

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