

Senate Bill 48

In The Senate

January 5, 1981	Introduced and referred to Committee on Local Government.
February 3, 1981	Committee recommend bill as amended.
February 4, 1981	Bill printed and placed on members' desks.
February 5, 1981	Second reading do pass.
February 6, 1981	Correctly engrossed.
	On motion, Senate reconsider its action take, on second reading the previous legislative day. Motion adopted.
	On motion taken from third reading and referred to local Government.
February 20, 1981	Committee recommend bill do pass.
February 21, 1981	Bill printed and placed on members' desks.
February 23, 1981	Second reading indefinitely postponed.

1 SENATE BILL NO. 48
2 INTRODUCED BY ECK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXCLUDE FROM
5 NEPOTISM THE APPOINTMENT OF A SPOUSE, CHILD, OR PARENT TO
6 TECHNICAL, SCIENTIFIC, OR LICENSED EMPLOYMENT IF THAT PERSON
7 IS THE MOST QUALIFIED APPLICANT OR IS THE ONLY AVAILABLE
8 QUALIFIED APPLICANT; AMENDING 2-2-302, MCA."

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

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

22 (a) sheriffs in the appointment of persons as cooks
23 and/or attendants; and
24 (b) the appointment of a spouse, child, or parent to
25 employment requiring skills that are technical or scientific

1 or requiring licensure under Title 37 if:
2 (i) others possessing those skills or qualifications
3 are not reasonably available for appointment; or
4 (ii) the spouse, child, or parent is the most qualified
5 applicant based upon some recognized objective criteria."

-End-

Approved by Comm.
on Local Government

1 SENATE BILL NO. 48
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXCLUDE FROM
5 NEPOTISM THE APPOINTMENT OF A SPOUSE--CHILD--OR--PARENT
6 PERSON TO TECHNICAL, OR SCIENTIFIC, OR--LICENSED EMPLOYMENT
7 IF THAT PERSON IS--THE-MOST-QUALIFIED-APPLICANT-OR IS THE
8 ONLY AVAILABLE QUALIFIED APPLICANT; AMENDING 2-2-302, MCA."

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22 (a) sheriffs in the appointment of persons as cooks
23 and/or attendants;and
24 (b) the appointment of a spouse--child--or--parent to
25 employment requiring skills that are technical or scientific

1 or requiring licensure under Title 37, if
2 fit--others--possessing--those--skills--or--qualifications
3 are--not--reasonably--available--for--appointment--or
4 fit--the--spouse--child--or--parent--is--the--most--qualified
5 applicant--based--upon--some--recognized--objective--criteria THE
6 APPOINTMENT OF A PERSON TO EMPLOYMENT REQUIRING SPECIALIZED
7 SKILLS THAT ARE TECHNICAL OR SCIENTIFIC IN NATURE BASED UPON
8 RECOGNIZED OBJECTIVE CRITERIA WHEN NO OTHER QUALIFIED PERSON
9 HAS APPLIED FOR THAT POSITION AND REASONABLE EFFORTS HAVE
10 BEEN MADE TO ADVERTISE THE POSITION STATEWIDE."

-End-

SECOND READING

1 SENATE BILL NO. 48
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXCLUDE FROM
5 NEPOTISM THE APPOINTMENT OF A SPOUSE--CHIEF--OR--PARENT
6 PERSON TO TECHNICAL, OR SCIENTIFIC--OR--LICENSEES EMPLOYMENT
7 IF THAT PERSON IS--THE--HOST--QUALIFIED--APPLICANT--OR IS THE
8 ONLY AVAILABLE QUALIFIED APPLICANT; AMENDING Z-2-302, MCA."

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18 consanguinity within the fourth degree or by affinity within

19 the second degree.

20 (2) The provisions of this section and 2-2-303 shall
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22 [a] sheriffs in the appointment of persons as cooks
23 and/or attendants; and

24 (b) the appointment of a spouse or child or parent to
25 employment requiring skills that are technical or scientific

1 or requiring licensure under Title 37-117
2 fit--others--possessing--those-skills-or-qualifications
3 are-not-reasonably-available-for-appointment--or
4 fit--the-spouse--child--or-parent--is-the-most-qualified
5 applicant--based-upon--some-recognized-objective-criteria THE
6 APPOINTMENT OF A PERSON TO EMPLOYMENT REQUIRING SPECIALIZED
7 SKILLS THAT ARE TECHNICAL OR SCIENTIFIC IN NATURE BASED UPON
8 RECOGNIZED OBJECTIVE CRITERIA WHEN NO OTHER QUALIFIED PERSON
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