

HOUSE BILL NO. 6

Special Session

Introduced: 12/12/83

Referred to Committee on Judiciary: 12/12/83

Hearing: 12/12/83

1 HOUSE BILL NO. 6
2 INTRODUCED BY RAMIREZ
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A COURT
5 MAY NOT AWARD BACKPAY FOR A VIOLATION OF THE VETERANS,
6 ELIGIBLE SPOUSES AND DEPENDENTS, AND DISABLED CIVILIANS
7 PREFERENCE LAW; AMENDING SECTION 10-2-206, MCA; AND
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY
9 DATE."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 10-2-206, MCA, is amended to read:
13 "10-2-206. Enforcement of preference. (1) Any person
14 entitled to preference in 10-2-201 through 10-2-206 who has
15 applied for any appointment or employment upon public works
16 of the state of Montana or any county and city thereof or in
17 any public department of the state and who has been denied
18 employment or appointment and feels that the spirit of
19 10-2-201 through 10-2-206 has been violated and that such
20 person is in fact qualified physically and mentally and
21 possesses business capacity, competency, and education to
22 discharge the duties of the position applied for may
23 petition by verified petition the district court of the
24 state of Montana in the county in which the work is to be
25 performed. The petition shall set forth the facts of the

1 application, qualifications, competency, and such person's
2 honorable discharge or other qualifications warranting the
3 applicant to preference under 10-2-201 through 10-2-206.
4 Upon filing of such petition, any judge in the court shall
5 issue an order to show cause to the appointing authority
6 directing the appointing authority to appear in the court at
7 a specified time and place, not less than 5 or more than 10
8 days after the filing of the verified petition, to show
9 cause, if any exists, why the veteran or person entitled to
10 preference should not be employed by the appointing
11 authority. The district court has jurisdiction upon the
12 proper showings to issue its order directing and ordering
13 the appointing authority to comply with this law in giving
14 the preference provided for.
15 ~~(2) In ordering relief under subsection (1), a court~~
16 ~~may not grant an award of backpay."~~
17 NEW SECTION. Section 2. Effective date --
18 applicability. (1) This act is effective on passage and
19 approval.
20 (2) This act applies only to positions that become
21 open for employment after the effective date of this act.

-End-