- HB 83 INTRODUCED BY CODY
  - ALLOWING SCHOOL BOARDS TO HIRE A RELATIVE BY TWO-THIRDS VOTE
    - 1/05 INTRODUCED
    - 1/05 REFERRED TO EDUCATION & CULTURAL RESOURCES
    - 1/19 HEARING
    - 2/10 COMMITTEE REPORT--BILL PASSED AS AMENDED
    - 2/12 2ND READING PASSED 79 20
    - 2/13 3RD READING PASSED 81 9
      - TRANSMITTED TO SENATE
    - 2/16 REFERRED TO EDUCATION & CULTURAL RESOURCES
    - 3/06 HEARING
    - 3/18 TABLED IN COMMITTEE

LC 0347/01

1	HOUSE BILL NO. 83	1	(b) school district trustees when at least two-thirds
2	INTRODUCED BY CODY	2	of the trustees approve the appointment of a person related
3		3	to a trustee; and
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE NEPOTISM	4	(c) the renewal of an employment contract of a person
5	LAWS TO AUTHORIZE SCHOOL DISTRICT TRUSTEES TO APPOINT A	5	who was initially appointed before the member of the board,
6	TRUSTEE'S RELATIVE WITH THE APPROVAL OF TWO-THIRDS OF THE	6	bureau, or commission or the department head to whom he is
7	TRUSTEES AND TO RENEW A RELATIVE'S EMPLOYMENT CONTRACT UNDER	7	related assumed the duties of the office."
8	CERTAIN CIRCUMSTANCES; AMENDING SECTION 2-2-302, MCA; AND	8	NEW SECTION. Section 2. Applicability. Section
9	PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE	9	2-2-302(2)(c) applies retroactively, within the meaning of
10	DATE."	10	1-2-109, to occurrences on or after October 1, 1985, and
11		11	permits the reappointment of a person whose employment
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12	contract was not renewed because of the provisions of the
13	Section 1. Section 2-2-302, MCA, is amended to read:	13	nepotism laws.
14	"2-2-302. Appointment of relative to office of trust	14	NEW SECTION. Section 3. Effective date. This act is
15	or emolument unlawful. (1) It shall be unlawful for any	15	effective on passage and approval.
16	person or any member of any board, bureau, or commission or		-End-
17	employee at the head of any department of this state or any		
18	political subdivision thereof to appoint to any position of		
19	trust or emolument any person related or connected by		
20	consanguinity within the fourth degree or by affinity within		
21	the second degree.		
22	(2) The provisions of this section and 2-2-303 shall		
23	do not apply to:		
24	(a) sheriffs in the appointment of persons as cooks		
25	and/or attendants;		
	Montaria Legislative Council		-2- INTRODUCED BILL

INTRODUCED BILL HB-83

## APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1	HOUSE BILL NO. 83
2	INTRODUCED BY CODY
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE NEPOTISM
5	LAWS TO AUTHORIZE CERTAIN SCHOOL DISTRICT TRUSTEES TO
6	APPOINT A TRUSTEE'S RELATIVE WITH-THE-APPROVAL-OF-TWO-THIRDS
7	OF-THE-TRUSTESS-AND-TO-RENEW UNDER CERTAIN CIRCUMSTANCES;
8	PERMITTING RENEWAL OF A RELATIVE'S EMPLOYMENT CONTRACT UNDER
9	CERTAIN CIRCUMSTANCES; AMENDING SECTION 2-2-302, MCA; AND
10	PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE
11	DATE."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 2-2-302, MCA, is amended to read:
15	"2-2-302. Appointment of relative to office of trust
16	or emolument unlawful. (1) It shall be unlawful for any
17	person or any member of any board, bureau, or commission or
18	employee at the head of any department of this state or any
19	political subdivision thereof to appoint to any position of
20	trust or emolument any person related or connected by
21	consanguinity within the fourth degree or by affinity within
22	the second degree.
23	(2) The provisions of this section and 2-2-303 shall

25 (a) sheriffs in the appointment of persons as cooks



l	and/or attendants <u>;</u>
2	(b) school district trustees when OF A DISTRICT
3	LOCATED WHOLLY OR PARTIALLY WITHIN OR ADJACENT TO THE
4	EXTERIOR BOUNDARIES OF AN INDIAN RESERVATION IF:
5	(I) IN A FIRST- OR SECOND-CLASS DISTRICT, at least
6	two-thirds of the trustees approve the appointment of a
7	person related to a trustee; OR
8	(II) IN A THIRD-CLASS DISTRICT, ALL OF THE TRUSTEES
9	APPROVE THE APPOINTMENT OF A PERSON RELATED TO A TRUSTEE;
10	and
11	(c) the renewal of an employment contract of a person
12	who was initially appointed before the member of the board,
13	bureau, or commission or the department head to whom he is
14	related assumed the duties of the office."
15	NEW SECTION. Section 2. Applicability. Section
16	2-2-302(2)(c) applies retroactively, within the meaning of
17	1-2-109, to occurrences on or after October 1, 1985, and
18	permits the reappointment of a person whose employment
19	contract was not renewed because of the provisions of the
20	nepotism laws.
21	<u>NEW SECTION.</u> Section 3. Effective date. This act is

- 22 effective on passage and approval.
  - -End-

-2-

HB 83

SECOND READING

## 50th Legislature

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DATE."

the second degree.

HB 0083/02

## 1 and/or attendants; (b) school district trustees when OF A DISTRICT 2 LOCATED WHOLLY OR PARTIALLY WITHIN OR ADJACENT TO THE 3 EXTERIOR BOUNDARIES OF AN INDIAN RESERVATION IF: A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE NEPOTISM 4 (I) IN A FIRST- OR SECOND-CLASS DISTRICT, at least 5 LAWS TO AUTHORIZE CERTAIN SCHOOL DISTRICT TRUSTEES TO two-thirds of the trustees approve the appointment of a APPOINT A TRUSTEE'S RELATIVE WITH-THE-APPROVAL-OP-TWO-THIRDS 6 person related to a trustee; OR OF-THE-TRUSTERS-AND-TO-RENEW UNDER CERTAIN CIRCUMSTANCES; 7 (II) IN A THIRD-CLASS DISTRICT, ALL OF THE TRUSTEES 8 PERMITTING RENEWAL OF A RELATIVE'S EMPLOYMENT CONTRACT UNDER APPROVE THE APPOINTMENT OF A PERSON RELATED TO A TRUSTEE; 9 CERTAIN CIRCUMSTANCES; AMENDING SECTION 2-2-302, MCA; AND 10 and PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE 11 (c) the renewal of an employment contract of a person 12 who was initially appointed before the member of the board, 13 bureau, or commission or the department head to whom he is BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 related assumed the duties of the office." Section 1. Section 2-2-302, MCA, is amended to read: 15 NEW SECTION. Section 2. Applicability. Section "2-2-302. Appointment of relative to office of trust 2-2-302(2)(c) applies retroactively, within the meaning of 16 or emolument unlawful. (1) It shall be unlawful for any 17 1-2-109, to occurrences on or after October 1, 1985, and person or any member of any board, bureau, or commission or permits the reappointment of a person whose employment 18 employee at the head of any department of this state or any 19 contract was not renewed because of the provisions of the political subdivision thereof to appoint to any position of 20 nepotism laws. trust or emolument any person related or connected by 21 NEW SECTION. Section 3. Effective date. This act is consanguinity within the fourth degree or by affinity within 22 effective on passage and approval.

(2) The provisions of this section and 2-2-303 shall 23 24 do not apply to:

HOUSE BILL NO. 83

INTRODUCED BY CODY

25

(a) sheriffs in the appointment of persons as cooks



-2-

-End-

THIRD READING

HB 83

HB 0083/02