

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		

HOUSE BILL NO. 83

INTRODUCED BY CODY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE NEPOTISM LAWS TO AUTHORIZE SCHOOL DISTRICT TRUSTEES TO APPOINT A TRUSTEE'S RELATIVE WITH THE APPROVAL OF TWO-THIRDS OF THE TRUSTEES AND TO RENEW A RELATIVE'S EMPLOYMENT CONTRACT UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 2-2-302, MCA; AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 2-2-302, MCA, is amended to read:

"2-2-302. Appointment of relative to office of trust or emolument unlawful. (1) It shall be unlawful for any person or any member of any board, bureau, or commission or employee at the head of any department of this state or any political subdivision thereof to appoint to any position of trust or emolument any person related or connected by consanguinity within the fourth degree or by affinity within the second degree.

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

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

(b) school district trustees when at least two-thirds of the trustees approve the appointment of a person related to a trustee; and

(c) the renewal of an employment contract of a person who was initially appointed before the member of the board, bureau, or commission or the department head to whom he is related assumed the duties of the office."

NEW SECTION. Section 2. Applicability. Section 2-2-302(2)(c) applies retroactively, within the meaning of 1-2-109, to occurrences on or after October 1, 1985, and permits the reappointment of a person whose employment contract was not renewed because of the provisions of the nepotism laws.

NEW SECTION. Section 3. Effective date. This act is effective on passage and approval.

-End-

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-TRUSTEES-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
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23 (2) The provisions of this section and 2-2-303 shall
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25 (a) sheriffs in the appointment of persons as cooks

1 and/or attendants;
 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
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