

SENATE BILL NO. 35

INTRODUCED BY E. SMITH, HAMMOND, HARDING, CODY,  
NATHE, HIRSCH, KOLSTAD, TVEIT, YELLOWTAIL,  
VAUGHN, COMPTON, HANSON, MCCALLUM

IN THE SENATE

JANUARY 5, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON LOCAL GOVERNMENT.

JANUARY 7, 1987                   ON MOTION BY CHIEF SPONSOR, SENATORS  
HAMMOND, HARDING, HIRSCH, KOLSTAD,  
TVEIT, YELLOWTAIL, VAUGHN, AND  
MCCALLUM AND REPRESENTATIVES CODY,  
NATHE, COMPTON, AND HANSON ADDED AS  
SPONSORS.

JANUARY 9, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

JANUARY 10, 1987                  PRINTING REPORT.

JANUARY 13, 1987                  SECOND READING, DO PASS.

JANUARY 14, 1987                  ENGROSSING REPORT.

JANUARY 15, 1987                  THIRD READING, PASSED.  
AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 4, 1987                  INTRODUCED AND REFERRED TO COMMITTEE  
ON EDUCATION & CULTURAL RESOURCES.

MARCH 9, 1987                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 11, 1987                   SECOND READING, CONCURRED IN.

ON MOTION, RULES SUSPENDED AND  
BILL PLACED ON THIRD READING  
THIS DAY.

MARCH 11, 1987

THIRD READING, CONCURRED IN.  
AYES, 95; NOES, 2.

RETURNED TO SENATE.

IN THE SENATE

MARCH 13, 1987

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1 SENATE BILL NO. 35  
2 INTRODUCED BY SMITH

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE NEPOTISM  
5 LAWS TO PERMIT THE RENEWAL OF AN EMPLOYMENT CONTRACT OF A  
6 RELATIVE UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION  
7 2-2-302, MCA; AND PROVIDING AN APPLICABILITY DATE AND AN  
8 IMMEDIATE EFFECTIVE DATE."

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  
13 or emolument unlawful. (1) It shall be unlawful for any  
14 person 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  
21 shall do not apply to:

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

24 (b) the renewal of an employment contract of a person  
25 who was initially hired before the member of the board,

1 bureau, or commission or the department head to whom he is  
2 related assumed the duties of the office."

3 NEW SECTION. Section 2. Applicability. This act  
4 applies retroactively, within the meaning of 1-2-109, to  
5 occurrences on or after October 1, 1985, and permits the  
6 rehiring of a person whose employment contract was not  
7 renewed because of nepotism.

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

-End-



-2- INTRODUCED BILL  
SB 35

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

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