

House BILL NO. 92

INTRODUCED BY George Adam Rumm

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING FOR PURPOSES OF THE INDIAN HIRING PREFERENCE LAW THAT A STATE AGENCY INCLUDES AN ELEMENTARY OR HIGH SCHOOL DISTRICT; AMENDING SECTION 2-18-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 2-18-111, MCA, is amended to read:

"2-18-111. Hiring preference for residents of Indian reservations for state jobs within reservation -- rules. (1) A state agency that operates within an Indian reservation shall give a preference in hiring for a position of employment with the state agency to an Indian resident of the reservation who has substantially equal qualifications for the position.

(2) The commissioner of labor and industry shall enforce this section, shall investigate complaints of its violation, and may adopt rules to implement this section.

(3) For the purposes of this section, the following definitions apply:

(a) "Indian" means a person who is enrolled or who is a lineal descendant of a person enrolled upon an enrollment listing of the bureau of Indian affairs or upon the enrollment listing of a recognized Indian tribe, domiciled in the United States.

(b) "Position" means a permanent, temporary, or seasonal position as defined in 2-18-101 for a state position. The term does not include:

(i) a state elected office;

(ii) appointment by an elected official to a body, such as a board, commission, committee, or council;

(iii) appointment by an elected official to a public office if the appointment is provided for by law;

or

(iv) engagement as an independent contractor or employment by an independent contractor.

(c) "State agency" means an elementary or high school district as defined in 20-6-101 or a department, office, board, bureau, commission, agency, or other instrumentality of the executive or judicial

1 branches of the government of this state."

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3 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

4

-END-

1 HOUSE BILL NO. 92

2 INTRODUCED BY HEAVY RUNNER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING FOR PURPOSES OF THE INDIAN HIRING
5 PREFERENCE LAW THAT A STATE AGENCY INCLUDES AN ELEMENTARY OR HIGH SCHOOL DISTRICT
6 WITH AN INDIAN STUDENT POPULATION OF 30 PERCENT OR MORE; AMENDING SECTION 2-18-111,
7 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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12 **"2-18-111. Hiring preference for residents of Indian reservations for state jobs within reservation**
13 **-- rules.** (1) A state agency that operates within an Indian reservation shall give a preference in hiring for
14 a position of employment with the state agency to an Indian resident of the reservation who has
15 substantially equal qualifications for the position.

16 (2) The commissioner of labor and industry shall enforce this section, shall investigate complaints
17 of its violation, and may adopt rules to implement this section.

18 (3) For the purposes of this section, the following definitions apply:

19 (a) "Indian" means a person who is enrolled or who is a lineal descendant of a person enrolled upon
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21 tribe, domiciled in the United States.

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26 council;

27 (iii) appointment by an elected official to a public office if the appointment is provided for by law;

28 or

29 (iv) engagement as an independent contractor or employment by an independent contractor.

30 (c) "State agency" means an elementary or high school district, as defined in 20-6-101, WITH AN

1 INDIAN STUDENT POPULATION OF 30% OR MORE or a department, office, board, bureau, commission,
2 agency, or other instrumentality of the executive or judicial branches of the government of this state."

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4 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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