HOUSE BILL NO. 295

INTRODUCED BY J. BERGSTROM, S. HINEBAUCH, C. KNUDSEN, R. KNUDSEN, B. LER

A BILL FOR AN ACT ENTITLED: “AN ACT EXEMPTING MEMBERS OF A BOARD, BUREAU, OR COMMISSION IN CERTAIN COUNTIES FROM THE RESTRICTION ON THE APPOINTMENT OF RELATIVES TO POSITIONS ON THE BOARD, BUREAU, OR COMMISSION; REQUIRING THE BOARD, BUREAU, OR COMMISSION MEMBER RELATED TO THE PERSON BEING APPOINTED TO ABSTAIN FROM VOTING ON THE APPOINTMENT; AND AMENDING SECTION 2-2-302, MCA.”

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 -- exceptions -- publication of notice.** (1) Except as provided in subsection (2), it is unlawful for a person or member of any board, bureau, or commission or employee at the head of a department of this state or any political subdivision of this state 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 2-2-303 and this section do not apply to:

(a) a sheriff in the appointment of a person as a cook or an attendant;

(b) school district trustees if all the trustees, with the exception of any trustee who is related to the person being appointed and who must abstain from voting for the appointment, approve the appointment of a person related to a trustee;

(c) a school district in the employment of a person as a substitute teacher who is not employed as a substitute teacher for more than 30 consecutive school days as defined by the trustees in 20-1-302;

(d) the renewal of an employment contract of a person who was initially hired before the member of the board, bureau, or commission or the department head to whom the person is related assumed the duties of the office;

(e) the employment of election judges;

(f) the employment of pages or temporary session staff by the legislature; ~~or~~

(g) county commissioners of a county with a population of less than 10,000 if all the commissioners, with the exception of any commissioner who is related to the person being appointed and who must abstain from voting for the appointment, approve the appointment of a person related to a commissioner~~.~~; or

(h) a board, bureau, or commission of a county with a population of less than 10,000 people, if all the board, bureau, or commission members, with the exception of any member who is related to the person being appointed and who must abstain from voting for the appointment, approve the appointment of a person related to a board member.

(3) Prior to the appointment of a person referred to in subsection (2)(b) ~~or (2)(g)~~, (2)(g), or (2)(h), written notice of the time and place for the intended action must be published at least 15 days prior to the intended action in a newspaper of general circulation in the county in which the school district is located or the county office or position is located."

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