

MINUTES OF THE MEETING
BUSINESS AND INDUSTRY COMMITTEE
MONTANA STATE SENATE

The meeting of the Business and Industry Committee was called to order by Chairman Frank W. Hazelbaker on Wednesday, January 14, 1981, at 10:00 a.m., in Room 404 of the Capitol.

All members were present.

Chairman Hazelbaker explained that the purpose of the meeting was to enact Executive Action on Senate Bill 57. He further explained that with the Bill is a Fact Sheet as well as some handouts from the Human Rights Commission; it is his understanding that Senator Goodover has an Amendment to offer.

Senator Goodover stated that he wished to amend SB 57 by deleting Section "e" in its entirety.

Senator Hazelbaker then introduced Ray Brown, Chairman of the Montana Human Rights Commission and Cliff Christian, who represents the Montana Association of Realtors. Mr. Christian explained that the realtors are concerned about this Bill, as the realtors industry is the only industry that affirmatively supports equal opportunity for housing. They wish Section "e" deleted from the Bill, and Mr. Brown stated that the Human Rights Commission supports the deletion of this section.

It is moved by Senator Goodover and seconded by Senator Dover to delete lines 13 through 18, page two.

A discussion followed, during which Senator Regan questioned why there is any objection to this, since it doesn't add any new language if the Law is being followed. This is clarified by Mr. Brown, who stated that "this is Federal language".

Mr. Christian explained that the Montana Association of Realtors has 19 local Boards with whom they are attempting to sign agreements to eliminate discrimination. This is being done with the cooperation of HUD. However, he will not be able to get the local Boards to sign further affirmative action matters if they see further Federal interference on this.

Senator Regan stated that she is opposed to this, because all that they are doing is passing into State Law the Federal Law, which she does not view as a further burden, and she also questioned if they had identified the Federal guidelines. Mr. Brown replied that they have done so, and he points this out as stated in the Federal Register.

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Senator Blaylock then asked Mr. Christian why he was objecting to this. Mr. Christian replied that they have been specifically targeted by the Federal Government because of practices in the urban areas and in the South. He added that this is voluntary, and he explained that when the 19 Boards which they need to sign this, do so, they will have the State and Federal Governments, as well as the Human Rights Commission, off their backs.

Senator Regan attempted to clarify the comments by stating that apparently they are objecting to State Law echoing Federal Law, which will allow discrimination in multiple-listing services.

Senator Hazelbaker explained, "They don't mind doing it - but they don't want anybody to tell them that they HAVE to do it!"

It is then stated by Senator Lee that he supports the Amendment; he respects the realtors for trying to exercise responsibility on their own, but he doesn't feel that these exact words have to be in the Law because everything is already covered.

It is moved by Senator Goodover and seconded by Senator Dover that Section "e" be deleted from page 2 of Senate Bill 57.

QUESTION: All are in favor except for Senators Regan and Blaylock.

Senator Goodover stated that he agrees with the Human Rights Commission on this, but he is concerned that this wording not represent another intrusion into State Government. He said that, although they do not report to the Department of Labor, they are under that department for administrative purposes only.

It is moved by Senator Goodover and seconded by Senator Dover that Senate Bill 57 DO NOT PASS AS AMENDED.

QUESTION: For: Senators Goodover, Lee, Dover and Kolstad.
Against: Senators Regan, Blaylock, Boyland and Hazelbaker.
TIE VOTE NUMBER ONE.

A Substitute Motion is made by Senator Regan and seconded by Senator Blaylock that Senate Bill 57 DO PASS AS AMENDED.

QUESTION: For: Senators Regan, Blylock, Boylan and Hazelbaker. Against: Senators Goodover, Lee, Dover and Kolstad.
TIE VOTE NUMBER TWO.

Senator Lee said that the State has the option to step aside and let the Federal Government do what they wish in this respect. This does not guarantee that we will receive the \$20,000. that is before us now; he said that all we are doing in accepting this is selling our votes; whoever the policy entity is has the right to enforce the Law.

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It is moved by Senator Regan and seconded by Senator Blaylock to report Senate Bill 57 to the floor with NO RECOMMENDATION.

QUESTION: The vote is five to three in favor of the Motion. For: Senators Regan, Blaylock, Boylan, Dover and Hazelbaker. Against: Senators Kolstad, Goodover and Lee.

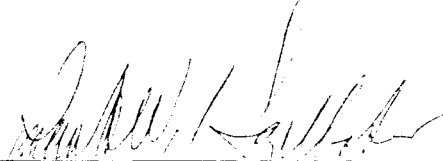
This is followed by a Sub-motion by Senator Goodover with a second by Senator Lee that the Bill be tabled. TIE VOTE NUMBER THREE. For: Senators Goodover, Lee, Dover and Kolstad. Against: Senators Regan, Blaylock, Boylan and Hazelbaker.

It is moved by Senator Goodover and seconded by Senator Dover to amend SB 57 by deleting Section "e" in its entirety.

QUESTION: Five to three in favor. For: Senators Dover, Kolstad, Lee, Goodover and Hazelbaker. Against: Senators Regan, Blaylock and Boylan.

Chairman Hazelbaker announced that the next meeting would be held on Monday, January 19, 1981, in this same room to hear and discuss Senate Bill 2.

There being no further business, Senator Hazelbaker adjourned the meeting.



FRANK W. HAZELBAKER, Chairman

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ROLL CALL

BUSINESS and INDUSTRY

COMMITTEE

47th LEGISLATIVE SESSION -- 1981

Date Jan 14, 1981

[illegible]

Each day attach to minutes.

FACT SHEET

SB 57, Introduced by Senator Bob Brown at the request of the Montana Human Rights Commission

A Bill for an Act entitled: "An Act to amend laws on discrimination in housing to conform to federal requirements to enable the state to receive federal funds by the definition of expanding unfair housing to include presale transactions, realty transactions, and advertising; amending section 49-2-305,MCA."

- 1) "The state may be neglecting potential sources of funding and technical assistance. Consideration should be given to establishing permanent agreements with those federal agencies which could provide Montana with financial and technical resources. "State of Montana, REPORT TO THE LEGISLATURE, Sunset Review, COMMISSION FOR HUMAN RIGHTS; Office of the Legislative Auditor, 1980, p. 44
- 2) Consolidation of Federal and State authority at the State level.
- 3) Enforcement at the local(state) level. (no change in enforcement powers).
- 4) Benefits to cities and towns. Points given in the awarding of Community Development Block Grants with local Human Rights Commission. (Grants awarded by Department of Housing and Urban Development). Financial and technical benefit.
- 5) No new laws...Advertising already forbidden at federal level for discriminatory reasons. "Substantially equivalent."
- 6) Financial and technical benefit to state.
- 7) Technical assistance to cities, towns, Realtors.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY .

NAME: Raymond D. Brown DATE: 1/12/81

ADDRESS: Suite 300, 110 Lyons St, Lyons

PHONE: 449-2884

REPRESENTING WHOM? Montana Human Rights Commission

APPEARING ON WHICH PROPOSAL: SB 57

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: SB 57 SB 27

NAME: Eileen Townsend DATE: 1-12-81

ADDRESS: 1450 Patton Canyon Rd Mesa

PHONE: 549-9083 (hm) 449-3816 (wk)

REPRESENTING WHOM? Montana Human Rights Commission

APPEARING ON WHICH PROPOSAL: SB 57

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: few reasons stated in fact sheet on
SB 57 prepared by the staff of the Human
Rights Commission & for the reasons stated
in the Report of the Legislative Auditor
on the Human Rights Commission at pg
44 I support this bill

STANDING COMMITTEE REPORT

January 14 1901.....

MR. PRESIDENT.....

We, your committee on BUSINESS AND INDUSTRY.....

having had under consideration SENATE..... Bill No. 57

Respectfully report as follows: That SENATE..... Bill No. 57

BE AMENDED:

1. Title , Line 9
Following: "TRANSACTIONS"
Strike: ",REALTY ORGANIZATIONS,"
2. Page 2, Line 13 through Line 18
Strike: Subsection (e) in its entirety

~~DO PASS~~ And as so Amended be reported out without recommendation.