

1                    HOUSE    BILL NO. 8  
2    INTRODUCED BY STOLTZ, YARDLEY

3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO BE KNOWN AS THE  
5    'MONTANA CODE OF FAIR PRACTICES' RELATING TO THE  
6    NONPARTICIPATION OF THE GOVERNMENT OF THE STATE OF MONTANA  
7    IN DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGIOUS  
8    CREED, SEX, AGE, NATIONAL ORIGIN, OR ANCESTRY."

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

11            Section 1. Employment of state and local government  
12    personnel without regard for race, color, religious creed,  
13    sex, age, national origin, or ancestry. (1) State and local  
14    government officials and supervisory personnel shall  
15    recruit, appoint, assign, train, evaluate, and promote  
16    personnel on the basis of merit and qualifications, without  
17    regard to race, color, religious creed, sex, age, national  
18    origin, or ancestry.

19            (2) All state and local governmental agencies shall:

20            (a) promulgate written directives to carry out this  
21    policy and to guarantee equal employment opportunities at  
22    all levels of state government;

23            (b) regularly review their personnel practices to  
24    assure compliance; and

25            (c) conduct continuing orientation and training

1    programs with emphasis on human relations and fair  
2    employment practices.

3            (3) The department of administration shall insure that  
4    the entire examination process, including qualifications  
5    appraisal, is free from bias.

6            (4) Appointing authorities shall exercise care to  
7    insure utilization of minority group persons.

8            Section 2. Nonparticipation in discriminatory  
9    practices. All services of every state and local  
10    governmental agency shall be performed without  
11    discrimination based upon race, color, religious creed, sex,  
12    age, national origin, or ancestry. No state or local  
13    facility shall be used in the furtherance of any  
14    discriminatory practice, nor shall any state or local agency  
15    become a party to any agreement, arrangement, or plan which  
16    has the effect of sanctioning discriminatory practices.  
17    Each state and local agency shall analyze all of its  
18    operations to ascertain possible instances of noncompliance  
19    with the policy of this act and shall initiate comprehensive  
20    programs to remedy any defect found to exist.

21            Section 3. Public contracts. Every state or local  
22    contract or subcontract for construction of public buildings  
23    or for other public work or for goods and services shall  
24    contain a provision that there shall be no discrimination on  
25    the basis of race, color, religious creed, sex, age,

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1 national origin, or ancestry by the persons performing the  
2 contract.

3 Section 4. Employment requests--cooperation with  
4 commission for human rights programs--enforcement of the  
5 policy of the act. (1) All state and local governmental  
6 agencies, including educational institutions, which provide  
7 employment referrals or placement services to public or  
8 private employers, shall accept job orders on a fair  
9 practice basis. Any job request indicating an intention to  
10 exclude any person because of race, color, religious creed,  
11 sex, age, national origin, or ancestry shall be rejected.

12 (2) All state and local governmental agencies shall  
13 cooperate in programs developed by the commission for human  
14 rights initiated for the purpose of broadening the base of  
15 job recruitment and shall further cooperate with all  
16 employers and unions providing such programs.

17 (3) The department of labor shall cooperate with the  
18 commission for human rights in encouraging and enforcing  
19 employers and labor unions to comply with the policy of this  
20 act and promote equal employment opportunities.

21 Section 5. Licensing. No state or local department,  
22 board, or agency shall grant, deny, or revoke the license or  
23 charter of any person on the grounds of race, color,  
24 religious creed, sex, age, national origin, or ancestry.  
25 Each state and local agency shall take such appropriate

1 action in the exercise of its licensing or regulatory power  
2 as will assure equal treatment of all persons and eliminate  
3 discrimination and enforce compliance with the policy of  
4 this act.

5 Section 6. Public accommodations. No state or local  
6 department, board, or agency shall permit any violation of  
7 the public accommodations provisions of section 64-306,  
8 R.C.M. 1947.

9 Section 7. State programs. All education, counseling,  
10 and vocational guidance programs and all apprenticeship and  
11 on-the-job training programs of state or local agencies, or  
12 in which state or local agencies participate, shall be open  
13 to all qualified persons, without regard to race, color,  
14 religious creed, sex, age, national origin, or ancestry.  
15 Such programs shall be conducted to encourage the fullest  
16 development of the interests, aptitudes, skills, and  
17 capacities of all students and trainees, with special  
18 attention to the problems of culturally deprived,  
19 educationally handicapped, or economically disadvantaged  
20 persons. Expansion of training opportunities under these  
21 programs shall be encouraged to involve larger numbers of  
22 participants from those segments of the labor force where  
23 the need for upgrading levels of skill is greatest.

24 Section 8. Distribution of funds, benefits, loans, and  
25 financial assistance. Race, color, religious creed, sex,

1 age, national origin, or ancestry, shall not be considered as  
 2 limiting factors in state or locally administered programs  
 3 involving the distribution of funds to qualify applicants  
 4 for benefits authorized by law; nor shall state agencies  
 5 provide grants, loans, or other financial assistance to  
 6 public agencies, private institutions, or organizations  
 7 which engage in discriminatory practices.

8 Section 9. Cooperation with the commission for human  
 9 rights. All state and local agencies shall cooperate with  
 10 the commission for human rights in the commission's  
 11 enforcement and educational programs. They shall comply  
 12 with the commission's request for information concerning  
 13 practices inconsistent with the state policy against  
 14 discrimination and shall consider its recommendations for  
 15 effectuating and implementing that policy. The commission  
 16 for human rights shall continue to augment its enforcement  
 17 and education programs which seek to eliminate all  
 18 discrimination.

19 Section 10. Annual reports. All departments,  
 20 agencies, commissions, and other bodies of the state  
 21 government shall include in their annual reports to the  
 22 governor, activities undertaken in the past year to  
 23 effectuate this act. Such reports shall cover both internal  
 24 activities and external relations with the public or with  
 25 other state agencies and shall contain other information as

1 specifically requested by the governor.

2 Section 11. Local governmental units. Local  
 3 governmental units affected by this act include all  
 4 political subdivisions of the state including school  
 5 districts.

6 Section 12. Age distinctions. Nothing in this act  
 7 shall prohibit any public or private employer (1) from  
 8 enforcing a differentiation based on age where age is a bona  
 9 fide occupational qualification reasonably necessary to the  
 10 normal operation of the particular business, or where the  
 11 differentiation is based on reasonable factors other than  
 12 age; or (2) from observing the terms of a bona fide  
 13 seniority system or any bona fide employee benefit plan such  
 14 as a retirement, pension or insurance plan, which is not a  
 15 subterfuge to evade the purposes of this act, except that no  
 16 such employee benefit plan shall excuse the failure to hire  
 17 any individual; or (3) from discharging or otherwise  
 18 disciplining an individual for good cause.

19 Section 13. Judicial review. (1) Any person claiming  
 20 to be aggrieved by a violation of any provision of this act  
 21 may petition the district court in the district where the  
 22 complainant resides or where the alleged violation occurred  
 23 for appropriate relief, and the court may grant such relief,  
 24 by injunction or otherwise, as it considers just and  
 25 suitable.

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- 1       (2) Actions under this section are original actions.
- 2       (3) Class actions pursuant to the Montana Rules of
- 3 Civil Procedure are maintainable under this act.

-End-

Approved by Committee  
on Judiciary

HOUSE BILL NO. 8

INTRODUCED BY STOLTZ, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO BE KNOWN AS THE  
'MONTANA CODE OF FAIR PRACTICES' RELATING TO THE  
NONPARTICIPATION OF THE GOVERNMENT OF THE STATE OF MONTANA  
IN DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGIOUS  
CREED, SEX, AGE, MARITAL STATUS, PHYSICAL OR MENTAL  
HANDICAP, NATIONAL ORIGIN, OR ANCESTRY."

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

SECTION 1. DEFINITIONS. AS USED IN THIS ACT: "STATE  
AND LOCAL GOVERNMENTAL AGENCIES" MEANS ALL BRANCHES,  
DEPARTMENTS, OFFICES, BOARDS, BUREAUS, COMMISSIONS,  
AGENCIES, UNIVERSITY UNITS, COLLEGES, OR ANY OTHER  
INSTRUMENTALITY OF STATE GOVERNMENT; AND COUNTIES, CITIES,  
TOWNS, SCHOOL DISTRICTS OR ANY OTHER INSTRUMENTALITY OF  
LOCAL GOVERNMENT.

Section 2. Employment of state and local government  
personnel without regard for race, color, religious creed,  
sex, age, MARITAL STATUS, PHYSICAL OR MENTAL HANDICAP,  
national origin, or ancestry. (1) State and local  
government officials and supervisory personnel shall  
recruit, appoint, assign, train, evaluate, and promote  
personnel on the basis of merit and qualifications, without

regard to race, color, religious creed, sex, age, MARITAL  
STATUS, PHYSICAL OR MENTAL HANDICAP, national origin, or  
ancestry.

(2) All state and local governmental agencies shall:

(a) promulgate written directives to carry out this  
policy and to guarantee equal employment opportunities at  
all levels of state government;

(b) regularly review their personnel practices to  
assure compliance; and

(c) conduct continuing orientation and training  
programs with emphasis on human relations and fair  
employment practices.

(3) The department of administration shall insure that  
the entire examination process, including qualifications  
appraisal, is free from bias.

(4) Appointing authorities shall exercise care to  
insure utilization of minority group persons.

Section 3. Nonparticipation in discriminatory  
practices. All services of every state and local  
governmental agency shall be performed without  
discrimination based upon race, color, religious creed, sex,  
age, MARITAL STATUS, PHYSICAL OR MENTAL HANDICAP, national  
origin, or ancestry. No state or local facility shall be  
used in the furtherance of any discriminatory practice, nor  
shall any state or local agency become a party to any

SECOND READING

1 agreement, arrangement, or plan which has the effect of  
 2 sanctioning discriminatory practices. Each state and local  
 3 agency shall analyze all of its operations to ascertain  
 4 possible instances of noncompliance with the policy of this  
 5 act and shall initiate comprehensive programs to remedy any  
 6 defect found to exist.

7 Section 4. Public contracts. Every state or local  
 8 contract or subcontract for construction of public buildings  
 9 or for other public work or for goods and services shall  
 10 contain a provision that ALL HIRING SHALL BE ON THE BASIS OF  
 11 MERIT AND QUALIFICATIONS AND A PROVISION THAT there shall be  
 12 no discrimination on the basis of race, color, religious  
 13 creed, sex, age, MARITAL STATUS, PHYSICAL OR MENTAL  
 14 HANDICAP, national origin, or ancestry by the persons  
 15 performing the contract.

16 Section 5. Employment requests--cooperation with  
 17 commission for human rights programs--enforcement of the  
 18 policy of the act. (1) All state and local governmental  
 19 agencies, including educational institutions, which provide  
 20 employment referrals or placement services to public or  
 21 private employers, shall accept job orders on a fair  
 22 practice basis. Any job request indicating an intention to  
 23 exclude any person because of race, color, religious creed,  
 24 sex, age, MARITAL STATUS, PHYSICAL OR MENTAL HANDICAP,  
 25 national origin, or ancestry shall be rejected.

1 (2) All state and local governmental agencies shall  
 2 cooperate in programs developed by the commission for human  
 3 rights initiated for the purpose of broadening the base of  
 4 job recruitment and shall further cooperate with all  
 5 employers and unions providing such programs.

6 (3) The department of labor shall cooperate with the  
 7 commission for human rights in encouraging and enforcing  
 8 employers and labor unions to comply with the policy of this  
 9 act and promote equal employment opportunities.

10 Section 6. Licensing. No state or local department,  
 11 board, or agency shall grant, deny, or revoke the license or  
 12 charter of any person on the grounds of race, color,  
 13 religious creed, sex, age, MARITAL STATUS, PHYSICAL OR  
 14 MENTAL HANDICAP, national origin, or ancestry. Each state  
 15 and local agency shall take such appropriate action in the  
 16 exercise of its licensing or regulatory power as will assure  
 17 equal treatment of all persons and eliminate discrimination  
 18 and enforce compliance with the policy of this act.

19 Section 7. Public accommodations. No state or local  
 20 department, board, or agency shall permit any violation of  
 21 the public accommodations provisions of section 64-306,  
 22 R.C.M. 1947.

23 Section 8. State programs. All education, counseling,  
 24 and vocational guidance programs and all apprenticeship and  
 25 on-the-job training programs of state or local agencies, or

1 in which state or local agencies participate, shall be open  
 2 to all qualified persons, WHO SHALL BE ACCEPTED ON THE BASIS  
 3 OF MERIT AND QUALIFICATIONS without regard to race, color,  
 4 religious creed, sex, age, MARITAL STATUS, PHYSICAL OR  
 5 MENTAL HANDICAP, national origin, or ancestry. Such  
 6 programs shall be conducted to encourage the fullest  
 7 development of the interests, aptitudes, skills, and  
 8 capacities of all students and trainees, with special  
 9 attention to the problems of culturally deprived,  
 10 educationally handicapped, or economically disadvantaged  
 11 persons. Expansion of training opportunities under these  
 12 programs shall be encouraged to involve larger numbers of  
 13 participants from those segments of the labor force where  
 14 the need for upgrading levels of skill is greatest.

15 Section 9. Distribution of funds, benefits, loans, and  
 16 financial assistance. Race, color, religious creed, sex,  
 17 age, MARITAL STATUS, PHYSICAL OR MENTAL HANDICAP, national  
 18 origin, or ancestry shall not be considered as limiting  
 19 factors in state or locally administered programs involving  
 20 the distribution of funds to qualify applicants for benefits  
 21 authorized by law; nor shall state agencies provide grants,  
 22 loans, or other financial assistance to public agencies,  
 23 private institutions, or organizations which engage in  
 24 discriminatory practices.

25 Section 10. Cooperation with the commission for human

1 rights. All state and local agencies shall cooperate with  
 2 the commission for human rights in the commission's  
 3 enforcement and educational programs. They shall comply  
 4 with the commission's request for information concerning  
 5 practices inconsistent with the state policy against  
 6 discrimination and shall consider its recommendations for  
 7 effectuating and implementing that policy. The commission  
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 9 and education programs which seek to eliminate all  
 10 discrimination.

11 Section 11. Annual reports. All departments,  
 12 agencies, commissions, and other bodies of the state  
 13 government WHICH REPORT TO THE GOVERNOR shall include in  
 14 their annual reports to the governor, activities undertaken  
 15 in the past year to effectuate this act. Such reports shall  
 16 cover both internal activities and external relations with  
 17 the public or with other state agencies and shall contain  
 18 other information as specifically requested by the governor.

19 Section 12. Local governmental units. Local  
 20 governmental units affected by this act include all  
 21 political subdivisions of the state including school  
 22 districts.

23 Section 13. Age PERMITTED distinctions. Nothing in  
 24 this act shall prohibit any public or private employer (1)  
 25 from enforcing a differentiation based on age ~~where--age--is~~

1 OR PHYSICAL OR MENTAL HANDICAP WHEN BASED ON a bona fide  
 2 occupational qualification reasonably necessary to the  
 3 normal operation of the particular business, or where the  
 4 differentiation is based on reasonable factors other than  
 5 age; or (2) from observing the terms of a bona fide  
 6 seniority system or any bona fide employee benefit plan such  
 7 as a retirement, pension or insurance plan, which is not a  
 8 subterfuge to evade the purposes of this act, except that no  
 9 such employee benefit plan shall excuse the failure to hire  
 10 any individual; or (3) from discharging or otherwise  
 11 disciplining an individual for good cause.

12 Section 14. Judicial-review REMEDIES. (1) Any person  
 13 claiming to be aggrieved by a violation of any provision of  
 14 this act may FILE A COMPLAINT WITH THE COMMISSION FOR HUMAN  
 15 RIGHTS OR MAY petition the district court in the district  
 16 where the complainant resides or where the alleged violation  
 17 occurred for appropriate relief, and the court may grant  
 18 such relief, by injunction or otherwise, as it considers  
 19 just and suitable. COMMENCEMENT OF THE ADMINISTRATIVE  
 20 REMEDY SHALL NOT PRECLUDE THE JUDICIAL REMEDY.

21 (2) Actions under this section are original actions.  
 22 ~~(3) Class actions pursuant to the Montana Rules of~~  
 23 ~~Civil Procedure are maintainable under this act.~~

24 SECTION 15. QUOTAS NOT REQUIRED. NOTHING IN THIS ACT  
 25 SHALL BE CONSTRUED AS REQUIRING THE INSTITUTION OF A SYSTEM

1 OF QUOTAS FOR REPRESENTATION OF ANY SEX, AGE, RELIGIOUS,  
 2 RACIAL, ETHNIC OR OTHER GROUP AFFECTED BY THIS ACT.

-End-



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regard to race, color, religious creed, sex, age, MARITAL STATUS, PHYSICAL OR MENTAL HANDICAP, national origin, or ancestry.

(2) All state and local governmental agencies shall:

(a) promulgate written directives to carry out this policy and to guarantee equal employment opportunities at all levels of state government;

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(c) conduct continuing orientation and training programs with emphasis on human relations and fair employment practices.

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 6 seniority system or any bona fide employee benefit plan such  
 7 as a retirement, pension or insurance plan, which is not a  
 8 subterfuge to evade the purposes of this act, except that no  
 9 such employee benefit plan shall excuse the failure to hire  
 10 any individual; or (3) from discharging or otherwise  
 11 disciplining an individual for good cause.

12 Section 14. ~~Judicial-review~~ REMEDIES. (1) Any person  
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 14 this act may FILE A COMPLAINT WITH THE COMMISSION FOR HUMAN  
 15 RIGHTS OR MAY petition the district court in the district  
 16 where the complainant resides or where the alleged violation  
 17 occurred for appropriate relief, and the court may grant  
 18 such relief, by injunction or otherwise, as it considers  
 19 just and suitable. COMMENCEMENT OF THE ADMINISTRATIVE  
 20 REMEDY SHALL NOT PRECLUDE THE JUDICIAL REMEDY.

21 (2) Actions under this section are original actions.

22 ~~(3)--Class-actions-pursuant-to-the-Montana-Rules-of~~  
 23 ~~Civil-Procedure-are-maintainable-under-this-act.~~

24 SECTION 15. QUOTAS NOT REQUIRED. NOTHING IN THIS ACT  
 25 SHALL BE CONSTRUED AS REQUIRING THE INSTITUTION OF A SYSTEM

1 OF QUOTAS FOR REPRESENTATION OF ANY SEX, AGE, RELIGIOUS,  
 2 RACIAL, ETHNIC OR OTHER GROUP AFFECTED BY THIS ACT.

-End-

March 18, 1975

SENATE COMMITTEE ON JUDICIARY  
AMENDMENTS TO HOUSE BILL NO. 8

That House Bill No. 8, third reading, be amended as follows:

1. Amend title, line 8.  
Following: "CREED,"  
Insert: "political ideas,"
2. Amend page 1, section 2, line 20.  
Following: "creed,"  
Insert: "political ideas,"
3. Amend page 2, section 2, line 1.  
Following: "creed,"  
Insert: "political ideas,"
4. Amend page 2, section 3, line 21.  
Following: "creed,"  
Insert: "political ideas,"
5. Amend page 3, section 4, line 13.  
Following: "creed,"  
Insert: "political ideas,"
6. Amend page 3, section 4, line 15.  
Following: "contract."  
Insert: "As used in this act, "qualifications" means such qualifications as are genuinely related to competent performance of the particular occupational task."
7. Amend page 3, section 5, line 23.  
Following: "creed,"  
Insert: "political ideas,"
8. Amend page 4, section 6, line 13.  
Following: "creed,"  
Insert: "political ideas,"
9. Amend page 5, section 8, line 4.  
Following: "creed,"  
Insert: "political ideas,"
10. Amend page 5, section 9, line 16.  
Following: "creed,"  
Insert: "political ideas,"
11. Amend page 7, section 14, lines 15 through 20.  
Following: "RIGHTS"  
Strike: lines 15 through 20 in their entirety  
Insert: "."

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regard to race, color, religious creed, POLITICAL IDEAS, sex, age, MARITAL STATUS, PHYSICAL OR MENTAL HANDICAP, national origin, or ancestry.

(2) All state and local governmental agencies shall:

(a) promulgate written directives to carry out this policy and to guarantee equal employment opportunities at all levels of state government;

(b) regularly review their personnel practices to assure compliance; and

(c) conduct continuing orientation and training programs with emphasis on human relations and fair employment practices.

(3) The department of administration shall insure that the entire examination process, including qualifications appraisal, is free from bias.

(4) Appointing authorities shall exercise care to insure utilization of minority group persons.

Section 3. Nonparticipation in discriminatory practices. All services of every state and local governmental agency shall be performed without discrimination based upon race, color, religious creed, POLITICAL IDEAS, sex, age, MARITAL STATUS, PHYSICAL OR MENTAL HANDICAP, national origin, or ancestry. No state or local facility shall be used in the furtherance of any discriminatory practice, nor shall any state or local agency

1 become a party to any agreement, arrangement, or plan which  
 2 has the effect of sanctioning discriminatory practices.  
 3 Each state and local agency shall analyze all of its  
 4 operations to ascertain possible instances of noncompliance  
 5 with the policy of this act and shall initiate comprehensive  
 6 programs to remedy any defect found to exist.

7 Section 4. Public contracts. Every state or local  
 8 contract or subcontract for construction of public buildings  
 9 or for other public work or for goods and services shall  
 10 contain a provision that ALL HIRING SHALL BE ON THE BASIS OF  
 11 MERIT AND QUALIFICATIONS AND A PROVISION THAT there shall be  
 12 no discrimination on the basis of race, color, religious  
 13 creed, POLITICAL IDEAS, sex, age, MARITAL STATUS, PHYSICAL  
 14 OR MENTAL HANDICAP, national origin, or ancestry by the  
 15 persons performing the contract. AS USED IN THIS ACT,  
 16 "QUALIFICATIONS" MEANS SUCH QUALIFICATIONS AS ARE GENUINELY  
 17 RELATED TO COMPETENT PERFORMANCE OF THE PARTICULAR  
 18 OCCUPATIONAL TASK.

19 Section 5. Employment requests--cooperation with  
 20 commission for human rights programs--enforcement of the  
 21 policy of the act. (1) All state and local governmental  
 22 agencies, including educational institutions, which provide  
 23 employment referrals or placement services to public or  
 24 private employers, shall accept job orders on a fair  
 25 practice basis. Any job request indicating an intention to

1 exclude any person because of race, color, religious creed,  
 2 POLITICAL IDEAS, sex, age, MARITAL STATUS, PHYSICAL OR  
 3 MENTAL HANDICAP, national origin, or ancestry shall be  
 4 rejected.

5 (2) All state and local governmental agencies shall  
 6 cooperate in programs developed by the commission for human  
 7 rights initiated for the purpose of broadening the base of  
 8 job recruitment and shall further cooperate with all  
 9 employers and unions providing such programs.

10 (3) The department of labor shall cooperate with the  
 11 commission for human rights in encouraging and enforcing  
 12 employers and labor unions to comply with the policy of this  
 13 act and promote equal employment opportunities.

14 Section 6. Licensing. No state or local department,  
 15 board, or agency shall grant, deny, or revoke the license or  
 16 charter of any person on the grounds of race, color,  
 17 religious creed, POLITICAL IDEAS, sex, age, MARITAL STATUS,  
 18 PHYSICAL OR MENTAL HANDICAP, national origin, or ancestry.  
 19 Each state and local agency shall take such appropriate  
 20 action in the exercise of its licensing or regulatory power  
 21 as will assure equal treatment of all persons and eliminate  
 22 discrimination and enforce compliance with the policy of  
 23 this act.

24 Section 7. Public accommodations. No state or local  
 25 department, board, or agency shall permit any violation of

1 the public accommodations provisions of section 64-306,  
2 R.C.M. 1947.

3 Section 8. State programs. All education, counseling,  
4 and vocational guidance programs and all apprenticeship and  
5 on-the-job training programs of state or local agencies, or  
6 in which state or local agencies participate, shall be open  
7 to all qualified persons, WHO SHALL BE ACCEPTED ON THE BASIS  
8 OF MERIT AND QUALIFICATIONS without regard to race, color,  
9 religious creed, POLITICAL IDEAS, sex, age, MARITAL STATUS,  
10 PHYSICAL OR MENTAL HANDICAP, national origin, or ancestry.  
11 Such programs shall be conducted to encourage the fullest  
12 development of the interests, aptitudes, skills, and  
13 capacities of all students and trainees, with special  
14 attention to the problems of culturally deprived,  
15 educationally handicapped, or economically disadvantaged  
16 persons. Expansion of training opportunities under these  
17 programs shall be encouraged to involve larger numbers of  
18 participants from those segments of the labor force where  
19 the need for upgrading levels of skill is greatest.

20 Section 9. Distribution of funds, benefits, loans, and  
21 financial assistance. Race, color, religious creed,  
22 POLITICAL IDEAS, sex, age, MARITAL STATUS, PHYSICAL OR  
23 MENTAL HANDICAP, national origin, or ancestry shall not be  
24 considered as limiting factors in state or locally  
25 administered programs involving the distribution of funds to

1 qualify applicants for benefits authorized by law; nor shall  
2 state agencies provide grants, loans, or other financial  
3 assistance to public agencies, private institutions, or  
4 organizations which engage in discriminatory practices.

5 Section 10. Cooperation with the commission for human  
6 rights. All state and local agencies shall cooperate with  
7 the commission for human rights in the commission's  
8 enforcement and educational programs. They shall comply  
9 with the commission's request for information concerning  
10 practices inconsistent with the state policy against  
11 discrimination and shall consider its recommendations for  
12 effectuating and implementing that policy. The commission  
13 for human rights shall continue to augment its enforcement  
14 and education programs which seek to eliminate all  
15 discrimination.

16 Section 11. Annual reports. All departments,  
17 agencies, commissions, and other bodies of the state  
18 government WHICH REPORT TO THE GOVERNOR shall include in  
19 their annual reports to the governor, activities undertaken  
20 in the past year to effectuate this act. Such reports shall  
21 cover both internal activities and external relations with  
22 the public or with other state agencies and shall contain  
23 other information as specifically requested by the governor.

24 Section 12. Local governmental units. Local  
25 governmental units affected by this act include all



1 political subdivisions of the state including school  
2 districts.

3 Section 13. Age PERMITTED distinctions. Nothing in  
4 this act shall prohibit any public or private employer (1)  
5 from enforcing a differentiation based on age ~~where--age--is~~  
6 OR PHYSICAL OR MENTAL HANDICAP WHEN BASED ON a bona fide  
7 occupational qualification reasonably necessary to the  
8 normal operation of the particular business, or where the  
9 differentiation is based on reasonable factors other than  
10 age; or (2) from observing the terms of a bona fide  
11 seniority system or any bona fide employee benefit plan such  
12 as a retirement, pension or insurance plan, which is not a  
13 subterfuge to evade the purposes of this act, except that no  
14 such employee benefit plan shall excuse the failure to hire  
15 any individual; or (3) from discharging or otherwise  
16 disciplining an individual for good cause.

17 Section 14. ~~Judicial--review~~ REMEDIES. (1) Any person  
18 claiming to be aggrieved by a violation of any provision of  
19 this act may FILE A COMPLAINT WITH THE COMMISSION FOR HUMAN  
20 RIGHTS OR MAY ~~petition the district court in the district~~  
21 ~~where the complainant resides or where the alleged violation~~  
22 ~~occurred for appropriate relief, and the court may grant~~  
23 ~~such relief, by injunction or otherwise, as it considers~~  
24 ~~just and suitable.~~ COMMENCEMENT OF THE ADMINISTRATIVE REMEDY  
25 SHALL NOT PRECLUDE THE JUDICIAL REMEDY.

1 (2) Actions under this section are original actions.  
2 ~~(3)--Class-actions-pursuant-to-the-Montana-Rules-of~~  
3 ~~Civil-Procedure-are-maintainable-under-this-act.~~  
4 SECTION 15. QUOTAS NOT REQUIRED. NOTHING IN THIS ACT  
5 SHALL BE CONSTRUED AS REQUIRING THE INSTITUTION OF A SYSTEM  
6 OF QUOTAS FOR REPRESENTATION OF ANY SEX, AGE, RELIGIOUS,  
7 RACIAL, ETHNIC OR OTHER GROUP AFFECTED BY THIS ACT.

-End-