

1 *House* BILL NO. *602*
 2 INTRODUCED BY *Holmes* *Wilcox* *Wiley*
 3 *McIntire*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER THE HUMAN
 5 RIGHTS COMMISSION TO THE DEPARTMENT OF INTERGOVERNMENTAL
 6 RELATIONS; TO PERMIT THE HUMAN RIGHTS COMMISSION TO HIRE ITS
 7 OWN STAFF; TO RECEIVE FEDERAL AND PRIVATE FUNDS IN ITS OWN
 8 NAME; AND TO MAKE ALL POLICY DECISIONS CONCERNING THE USE OF
 9 ITS BUDGET; AMENDING SECTION 64-305 AND REPEALING SECTION
 10 82A-1015, R.C.M. 1947."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. There is a new R.C.M. section numbered
 14 82A-907 that reads as follows:

15 82A-907. Commission for human rights. (1) There is a
 16 commission for human rights.

17 (2) The commission consists of five (5) members
 18 appointed by the governor.

19 (3) The commission is designated a quasi-judicial
 20 board under section 82A-112.

21 (4) The commission is allocated to the department of
 22 intergovernmental relations for administrative purposes
 23 only, as provided in section 82A-108, except that the
 24 commission may hire its own personnel, may seek and receive
 25 private and federal funds in its own name, and may determine

1 all matters of policy concerning the use of its budget.
 2 Section 82A-108 (2)(d) shall not apply for purposes of this
 3 section.

4 Section 2. Section 64-305, R.C.M. 1947, is amended to
 5 read as follows:

6 "64-305. Definitions. As used in this act, unless the
 7 context requires otherwise:

8 (1) "Age" means number of years since birth. It does
 9 not mean level of maturity or ability to handle
 10 responsibility. These latter criteria may represent
 11 legitimate considerations as reasonable grounds for
 12 discrimination without reference to age.

13 (2) "Commission" means the commission for human rights
 14 provided for in section ~~82A-1015~~ 82A-907.

15 (3) "Department" means the department of ~~labor--and~~
 16 industry intergovernmental relations provided for in Title
 17 82A, chapter ~~10~~ 9.

18 (4) "Educational institution" means a public or private
 19 institution and includes an academy, college, elementary or
 20 secondary school, extension course, kindergarten, nursery,
 21 school system, university, a business, nursing,
 22 professional, secretarial, technical or vocational school or
 23 an agent of an educational institution.

24 (5) "Employee" means any individual employed by an
 25 employer.

1 (6) "Employer" means an employer of one (1) or more
 2 persons but does not include a fraternal, charitable, or
 3 religious association or corporation, if the association or
 4 corporation is not organized for private profit; or to
 5 provide accommodation or services that are available on a
 6 nonmembership basis.

7 (7) "Employment agency" means a person undertaking to
 8 procure employees or opportunities to work.

9 (8) "Financial institution" means a commercial bank,
 10 trust company, mutual savings bank, cooperative bank,
 11 homestead association, finance company, mutual savings and
 12 loan association or an insurance company.

13 (9) "Housing accommodation" means a building or portion
 14 of a building, whether constructed or to be constructed,
 15 which is or will be used as the sleeping quarters of its
 16 occupants.

17 (10) "Labor organization" means an organization and an
 18 agent of the organization, organized for the purpose, in
 19 whole or in part, of collective bargaining, dealing with
 20 employers concerning grievances, terms of conditions of
 21 employment, or of other mutual aid protection of employees.

22 (11) "Mental handicap" means any mental disability
 23 resulting in subaverage intellectual functioning and
 24 impaired social competence.

25 (12) "National origin" means ancestry.

1 (13) "Person" means one (1) or more individuals, labor
 2 unions, partnerships, associations, corporations, legal
 3 representatives, mutual companies, joint-stock companies,
 4 trusts, unincorporated employees, employers, employment
 5 agencies, or labor organizations.

6 (14) "Physical handicap" means any physical disability,
 7 infirmity, malformation or disfigurement which is caused by
 8 bodily injury, birth defect or illness, including epilepsy,
 9 and shall include without limitation any degree of
 10 paralysis, amputation, lack of physical coordination,
 11 blindness or visual impediment, deafness or hearing
 12 impediment, muteness or speech impediment, or physical
 13 reliance on a guide dog for the blind, wheelchair, or other
 14 remedial appliance or device.

15 (15) "Public accommodation" means a place which caters
 16 or offers its services, goods, or facilities to the general
 17 public including but not limited to a public inn,
 18 restaurant, eating house, hotel, roadhouse, place where food
 19 or spirituous or malt liquors are sold for consumption,
 20 motel, soda fountain, soft drink parlor, tavern, night club,
 21 trailer park, resort, campground, barber shop, beauty
 22 parlor, bathroom, resthouse, theater, swimming pool, skating
 23 rink, golf course, cafe, ice cream parlor, transportation
 24 company, hospital, and all other public amusement and
 25 business establishments, subject only to the conditions and

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1 limitations established by law and applicable alike to all
2 persons."

3 Section 3. Section 82A-1015 is repealed.

-End-

Approved by Committee
on Judiciary

1 HOUSE BILL NO. 602

2 INTRODUCED BY HOLMES, JIM MOORE, MELOY, MCKITTRICK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO TRANSFER THE HUMAN~~
5 ~~RIGHTS COMMISSION TO THE DEPARTMENT OF INTERGOVERNMENTAL~~
6 ~~RELATIONS~~; TO PERMIT THE HUMAN RIGHTS COMMISSION TO HIRE ITS
7 OWN STAFF; TO RECEIVE FEDERAL AND PRIVATE FUNDS IN ITS OWN
8 NAME; AND TO MAKE ALL POLICY DECISIONS CONCERNING THE USE OF
9 ITS BUDGET; AMENDING SECTION ~~64-205 AND REPEALING SECTION~~
10 82A-1015, R.C.M. 1947."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Refer to Introduced Bill

14 (Strike everything after the enacting clause and
15 insert:)

16 Section 1. Section 82A-1015, R.C.M. 1947, is amended
17 to read as follows:

18 "82A-1015. Commission for human rights. (1) There is
19 a commission for human rights.

20 (2) The commission consists of five (5) members
21 appointed by the governor.

22 (3) The commission is designated as a quasi-judicial
23 board for the purposes of section 82A-112.

24 (4) The commission is allocated to the department of
25 labor and industry for administrative purposes only as

1 provided in section 82A-108, except that the commission may
2 hire its own personnel, may seek and receive private and
3 federal funds in its own name, and may determine all matters
4 of policy concerning the use of its budget. Section
5 82A-108(2)(d) shall not apply for purposes of this section."

-End-

HOUSE BILL NO. 602

INTRODUCED BY HOLMES, JIM MOORE, MELOY, MCKITTRICK

A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO TRANSFER THE HUMAN RIGHTS COMMISSION TO THE DEPARTMENT OF INTERGOVERNMENTAL RELATIONS,~~ TO PERMIT THE HUMAN RIGHTS COMMISSION TO HIRE ITS OWN STAFF; TO RECEIVE FEDERAL AND PRIVATE FUNDS IN ITS OWN NAME; AND TO MAKE ALL POLICY DECISIONS CONCERNING THE USE OF ITS BUDGET; AMENDING SECTION ~~64-305 AND REPEALING SECTION~~ 82A-1015, R.C.M. 1947."

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

Refer to Introduced Bill

(Strike everything after the enacting clause and insert:)

Section 1. Section 82A-1015, R.C.M. 1947, is amended to read as follows:

"82A-1015. Commission for human rights. (1) There is a commission for human rights.

(2) The commission consists of five (5) members appointed by the governor.

(3) The commission is designated as a quasi-judicial board for the purposes of section 82A-112.

(4) The commission is allocated to the department of labor and industry for administrative purposes only as

~~provided in section 82A-108, except that the commission may hire its own personnel, may seek and receive private and federal funds in its own name, and may determine all matters of policy concerning the use of its budget. Section 82A-108(2)(d) shall not apply for purposes of this section. SECTION 82A-108(2) DOES NOT APPLY AND THE COMMISSION MAY HIRE ITS OWN PERSONNEL."~~

-End-

March 25, 1975

SENATE COMMITTEE ON JUDICIARY

AMENDMENTS TO HOUSE BILL NO. 602

That House Bill No. 602, third reading, be amended as follows:

1. Amend title, line 6.
Following: "~~RELATIONS,~~"
Insert: "to transfer the human rights commissions and women's bureau to the department of justice;"
2. Amend title, line 9.
Following: "SECTION"
Insert: "64-305 AND REPEALING SECTION"
3. Amend page 1, line 15.
Following: line 15
Strike: All of the bill following the enacting clause
Insert: "Section 1. There is a new R.C.M. section numbered 82A-1210 that reads as follows:
82A-1210. Commission for human rights. (1) There is a commission for human rights.
(2) The commission consists of five (5) members appointed by the governor.
(3) The commission is designated a quasi-judicial board under section 82A-112.
(4) The commission is allocated to the department of justice for administrative purposes only, as provided in section 82A-108, except that the commission may hire its own personnel, may seek and receive private and federal funds in its own name, and may determine all matters of policy concerning the use of its budget.
(5) There is a women's bureau in the human rights commission.
(6) The functions and procedures established in the department of labor and industry under chapter 466 of the session laws of Montana of 1973 to enable women to reach their fullest potential of service and contribution to society are abolished in the department of labor and industry and transferred to the women's bureau in the human rights commission.

Section 2. Section 82A-1015 is repealed. "

March 28, 1975

SENATE COMMITTEE OF THE WHOLE

AMENDMENTS TO HOUSE BILL NO. 602

That House Bill No. 602, third reading, be amended as follows:

1. Amend title, line 9.
Following: "BUDGET;"
Strike: "AMENDING SECTION"
2. Amend amendment No. 1, insertion paragraph, line 1.
Following: "rights"
Strike: "commissions"
Insert: "commission"
3. Amend amendment No. 1, insertion paragraph, line 2.
Following: "to the"
Strike: "department of justice"
Insert: "office of the governor"
4. Amend amendment No. 2, insertion paragraph, line 1.
Strike: "64-305 AND"
5. Amend amendment No. 3, insertion paragraph, lines 1 and 2.
Following: "section"
Strike: "numbered 82A-1210"
6. Amend amendment No. 3, insertion paragraph, line 3.
Following: line 2
Strike: "82A-1210."
7. Amend amendment No. 3, insertion paragraph, lines 9 and 10.
Strike: "department of justice"
Insert: "office of the government"

HOUSE BILL NO. 602

INTRODUCED BY HOLMES, JIM MOORE, MELOY, MCKITTRICK

A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER THE HUMAN RIGHTS COMMISSION TO THE DEPARTMENT OF INTERGOVERNMENTAL RELATIONS; TO TRANSFER THE HUMAN RIGHTS COMMISSION AND WOMEN'S BUREAU TO THE DEPARTMENT OF JUSTICE OFFICE OF THE GOVERNOR; TO PERMIT THE HUMAN RIGHTS COMMISSION TO HIRE ITS OWN STAFF; TO RECEIVE FEDERAL AND PRIVATE FUNDS IN ITS OWN NAME; AND TO MAKE ALL POLICY DECISIONS CONCERNING THE USE OF ITS BUDGET; AMENDING SECTION 64-305 AND REPEALING SECTION 64-305 AND REPEALING SECTION 82A-1015, R.C.M. 1947."

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

Refer to Introduced Bill

{Strike everything after the enacting clause and insert}

Section 1, Section 82A-1015, R.C.M. 1947, is amended to read as follows:

"82A-1015, Commission for human rights, (1) There is a commission for human rights

(2) The commission consists of five (5) members appointed by the governor

(3) The commission is designated as a quasi-judicial

board for the purposes of section 82A-112,

(4) The commission is allocated to the department of labor and industry for administrative purposes only as provided in section 82A-100, except that the commission may hire its own personnel, may seek and receive private and federal funds in its own name, and may determine all matters of policy concerning the use of its budget. Section 82A-100(2)(d) shall not apply for purposes of this section. SECTION 82A-100(2) DOES NOT APPLY AND THE COMMISSION MAY HIRE ITS OWN PERSONNEL."

{Strike everything after the enacting clause and insert}

SECTION 1, THERE IS A NEW R.C.M. SECTION NUMBERED 82A-1210 THAT READS AS FOLLOWS:

82A-1210. Commission for human rights, (1) There is a commission for human rights

(2) The commission consists of five (5) members appointed by the governor

(3) The commission is designated as a quasi-judicial board under section 82A-112,

(4) The commission is allocated to the department of justice OFFICE OF THE GOVERNOR for administrative purposes only, as provided in section 82A-100, except that the commission may hire its own personnel, may seek and receive private and federal funds in its own name, and may determine

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1 ~~all matters of policy concerning the use of its budget,~~
 2 ~~(5) There is a women's bureau in the human rights~~
 3 ~~commission.~~
 4 ~~(6) The functions and procedures established in the~~
 5 ~~department of labor and industry under chapter 466 of the~~
 6 ~~session laws of Montana of 1973 to enable women to reach~~
 7 ~~their fullest potential of service and contribution to~~
 8 ~~society are abolished in the department of labor and~~
 9 ~~industry and transferred to the women's bureau in the human~~
 10 ~~rights commission.~~

11 ~~SECTION 2. SECTION 82A-1015 IS REPEALED.~~

12 Refer to Introduced Bill

13 (Strike everything after the enacting clause and
 14 insert:)

15 Section 1. Section 82A-1015, R.C.M. 1947, is amended
 16 to read as follows:

17 "82A-1015. Commission for human rights. (1) There is
 18 a commission for human rights.

19 (2) The commission consists of five (5) members
 20 appointed by the governor.

21 (3) The commission is designated as a quasi-judicial
 22 board for the purposes of section 82A-112.

23 (4) The commission is allocated to the department of
 24 labor and industry for administrative purposes only as
 25 provided in section 82A-108, ~~except that the commission~~

1 ~~may hire its own personnel, may seek and receive private and~~
 2 ~~federal funds in its own name, and may determine all matters~~
 3 ~~of policy concerning the use of its budget. Section~~
 4 ~~82A-108(2)(d) shall not apply for purposes of this section.~~
 5 ~~SECTION 82A-108(2) DOES NOT APPLY AND THE COMMISSION MAY~~
 6 ~~HIRE ITS OWN PERSONNEL, EXCEPT THAT THE COMMISSION MAY~~
 7 ~~HIRE ITS OWN PERSONNEL, MAY SEEK AND RECEIVE PRIVATE AND~~
 8 ~~FEDERAL FUNDS IN ITS OWN NAME, AND MAY DETERMINE ALL MATTERS~~
 9 ~~OF POLICY CONCERNING THE USE OF ITS BUDGET. SECTION~~
 10 ~~82A-108(2)(D) SHALL NOT APPLY FOR PURPOSES OF THIS SECTION.~~

11 SECTION 2. LEGISLATIVE INTENT. IT IS THE INTENT OF
 12 THE LEGISLATURE THAT THE FUNCTIONS IN THE DEPARTMENT OF
 13 LABOR DELINEATED IN CHAPTER 24 OF TITLE 41, R.C.M. 1947,
 14 PERTAINING TO THE STATUS OF WOMEN, SHALL, WHERE APPROPRIATE,
 15 BE PERFORMED IN CLOSE COOPERATION WITH THE COMMISSION ON
 16 HUMAN RIGHTS."

-End-