

1 HOUSE BILL NO. 36
2 INTRODUCED BY MARKS
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO STANDARDIZE THE
5 GROUNDS FOR UNLAWFUL DISCRIMINATION TO INCLUDE THE TERMS
6 "RELIGION" AND "CREED" AND TO DELETE THE TERM "ANCESTRY"
7 WHICH IS INCLUDED IN THE TERM "NATIONAL ORIGIN" BY
8 DEFINITION; AMENDING SECTIONS 11-3283, 11-3917, 16-4806,
9 37-104.10, 40-3512, 64-301, 64-306, 64-307, 64-317, 64-318,
10 64-319, 64-320, 64-321, 64-323, 64-324, 71-2412, AND
11 80-2806, R.C.M. 1947; AND REPEALING SECTION 64-211, R.C.M.
12 1947."
13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15 Section 1. Section 11-3283, R.C.M. 1947, is amended to
16 read as follows:
17 "11-3283. Persons in classified service not affected
18 by political or religious opinions or race. No person in the
19 classified service or seeking admission thereto ~~shall~~ may be
20 appointed, reduced, ~~or~~ removed, or in any way favored or
21 discriminated against, ~~or~~ because of political opinions or
22 affiliations, or because of race, color, creed, or ~~religious~~
23 beliefs religion."
24 Section 2. Section 11-3917, R.C.M. 1947, is amended to
25 read as follows:

1 "11-3917. Prohibition against discrimination. For all
2 of the purposes of this act, no person ~~shall~~ may be
3 subjected to discrimination because of race, religion,
4 creed, color, or national origin, ~~be subjected to any~~
5 discrimination."
6 Section 3. Section 16-4806, R.C.M. 1947, is amended to
7 read as follows:
8 "16-4806. Discrimination in employment prohibited. No
9 contract of employment ~~will~~ may be entered into except in
10 compliance with the Equal Opportunity Act of 1966, and
11 executive order of 1966, providing that there be no
12 discrimination in the employment of persons ~~due to~~ because
13 of race, religion, creed, color, or national origin."
14 Section 4. Section 37-104.10, R.C.M. 1947, is amended
15 to read as follows:
16 "37-104.10. Type of arguments to be excluded from
17 pamphlet — liability for libel. (1) The secretary of state
18 shall reject and shall not file or print in the voters'
19 pamphlet an argument or other matter;
20 (a) held by the attorney general to contain obscene,
21 vulgar, profane, scandalous, libelous, or defamatory matter;
22 or to contain any language that in any way incites,
23 counsels, promotes, or advocates hatred, abuse, violence, or
24 hostility toward, or that tends to cast ridicule or shame
25 upon, a group of persons by reason of race, color, creed,

1 religion, or sex,~~i~~ or ~~any matter~~

2 (b) not allowed to be sent through the mail. ~~Such~~
3 ~~arguments may not be filed or printed in the voters'~~
4 ~~pamphlet.~~

5 (2) Nothing in this ~~act~~ section relieves ~~either an~~
6 ~~argument or~~ an author of an argument from civil or criminal
7 responsibility for statements contained in an argument
8 printed in the voters' pamphlet."

9 Section 5. Section 40-3512, R.C.M. 1947, is amended to
10 read as follows:

11 "40-3512. Unfair discrimination, rebates prohibited —
12 property, casualty, surety insurances. (1) No property,
13 casualty, or surety insurer or any employee, ~~or~~
14 representative, ~~thereof, and no~~ agent, or solicitor ~~thereof~~
15 may, as an inducement to purchase insurance or after
16 insurance has been effected, shall pay, allow, or give, or
17 offer to pay, allow, or give, directly or indirectly, as an
18 inducement to insurance, or after insurance has been
19 effected, any rebate, discount, abatement, credit, or
20 reduction of the premium named in the insurance policy; of
21 insurance, or any special favor or advantage in the
22 dividends or other benefits to accrue thereon; or any
23 valuable consideration or inducement ~~whatever,~~ not specified
24 in the policy, except to the extent provided for in an
25 applicable filing with the commissioner as provided by law.

1 (2) No insured named in a policy, ~~or~~ or any employee
2 of ~~such~~ the insured ~~shall may~~ knowingly receive or accept,
3 directly or indirectly, any such rebate, discount,
4 abatement, credit, or reduction of premium, ~~or any such~~
5 special favor or advantage; or valuable consideration or
6 inducement.

7 (3) No such insurer ~~shall may~~ make or permit any
8 unfair discrimination ~~either between insureds or property~~
9 ~~having like insuring or risk characteristics, or between~~
10 ~~insureds because of race, color, creed, or national origin,~~
11 in the premium or rates charged for insurance, ~~or~~ in the
12 dividends or other benefits payable thereon, or in any other
13 of the terms and conditions of the insurance either between
14 insureds or property having like insuring or risk
15 characteristics or between insureds because of race, color,
16 creed, religion, or national origin.

17 (4) Nothing in this section ~~shall may~~ be construed as
18 prohibiting the payment of commissions or other compensation
19 to duly licensed agents, or solicitors, or as prohibiting
20 ~~any an~~ an insurer from allowing or returning ~~to its~~
21 ~~participating policyholders, members or subscribers,~~ lawful
22 dividends, savings, or unabsorbed premium deposits to its
23 participating policyholders, members, or subscribers."

24 Section 6. Section 64-301, R.C.M. 1947, is amended to
25 read as follows:

1 "64-301. Freedom from discrimination ~~as civil right~~
2 in employment -- and in places of public accommodations
3 accommodation and amusement. The right to be free from
4 discrimination because of race, creed, religion, color, sex,
5 physical or mental handicap, age, or national origin is
6 recognized as and declared to be a civil right. This right
7 shall include, but not be limited to:

8 (1) ~~The~~ the right to obtain and hold employment
9 without discrimination; and

10 (2) ~~The~~ the right to the full enjoyment of any of the
11 accommodation facilities or privileges of any place of
12 public resort, accommodation, assemblage, or amusement."

13 Section 7. Section 64-306, R.C.M. 1947, is amended to
14 read as follows:

15 "64-306. Specific Discriminatory Discriminatory
16 practices described and prohibited. (1) It is an unlawful
17 discriminatory practice for:

18 (a) an employer to refuse employment to a person, ~~or~~
19 to bar him from employment, or to discriminate against him
20 in compensation or in a term, condition, or privilege of
21 employment because of his race, creed, religion, marital
22 status, color, or national origin or because of his age,
23 physical or mental handicap, or sex when the reasonable
24 demands of the position do not require an age, physical or
25 mental handicap, or sex distinction;

1 (b) a labor organization, or joint labor management
2 committee controlling apprenticeship, to exclude or expel
3 any person from its membership, or from an apprenticeship or
4 training program or to discriminate in any way against a
5 member of, or an applicant to, the labor organization, or an
6 employer or employee because of race, marital status,
7 creed, religion, color, or national origin or because of his
8 age, physical or mental handicap, or sex when the reasonable
9 demands of the program do not require an age, physical or
10 mental handicap, or sex distinction;

11 (c) an employer or employment agency to print or
12 circulate or cause to be printed or circulated a statement,
13 advertisement, or publication, or to use ~~a form of an~~ an
14 employment application ~~for employment~~, which expresses,
15 directly or indirectly, a limitation, specification, or
16 discrimination as to sex, marital status, age, physical or
17 mental handicap, race, creed, religion, color, or national
18 origin, or an intent to make the limitation, unless based
19 upon a bona fide occupational qualification;

20 (d) an employment agency to fail or refuse to refer
21 for employment, to classify, or otherwise to discriminate
22 against any individual because of sex, marital status, age,
23 physical or mental handicap, race, creed, religion, color,
24 or national origin, unless based upon a bona fide
25 occupational qualification.

1 ~~(e)(2)~~ ~~the~~ The exceptions permitted in ~~this~~ subsection
 2 (1) based on bona fide occupational qualifications, shall be
 3 strictly construed.

4 ~~(2)(3)~~ ~~It~~ Except when the distinction is based on
 5 reasonable grounds, it is an unlawful discriminatory
 6 practice for the owner, lessee, manager, agent, or employee
 7 of a public accommodation:

8 (a) to refuse, withhold from, or deny to a person any
 9 of its services, goods, facilities, advantages, or
 10 privileges because of sex, race, age, physical or mental
 11 handicap, creed, religion, color, or national origin ~~unless~~
 12 ~~based on reasonable grounds;~~

13 (b) to publish, circulate, issue, display, post, or
 14 mail a written or printed communication, notice, or
 15 advertisement which states or implies that any of the
 16 services, goods, facilities, advantages, or privileges of
 17 the public accommodation will be refused, withheld from, or
 18 denied to a person of a certain race, creed, religion, sex,
 19 age, physical or mental handicap, color, or national origin
 20 ~~except when the distinction is based on reasonable grounds.~~

21 ~~(3)(4)~~ ~~It~~ Except when the distinction is based on
 22 reasonable grounds, it is an unlawful discriminatory
 23 practice for the owner, lessee, manager, or other person
 24 having the right to sell, lease, or rent a housing
 25 accommodation or improved or unimproved property:

1 (a) to refuse to sell, lease, or rent the housing
 2 accommodation or property to a person because of sex, race,
 3 creed, religion, color, age, physical or mental handicap,
 4 or national origin, ~~except when the distinction is based on~~
 5 ~~reasonable grounds;~~

6 (b) to discriminate against a person because of sex,
 7 race, creed, religion, age, physical or mental handicap,
 8 color, or national origin in a term, condition, or privilege
 9 relating to the use, sale, lease, or rental of a housing
 10 accommodation or improved or unimproved property, ~~except~~
 11 ~~when the distinction is based on reasonable grounds;~~ or

12 (c) to make a written or oral inquiry or record of the
 13 sex, race, creed, religion, age, physical or mental
 14 handicap, color, or national origin of a person seeking to
 15 buy, lease, or rent a housing accommodation or improved or
 16 unimproved property, ~~except when the distinction is based on~~
 17 ~~reasonable grounds.~~ A private residence designed for single
 18 ~~family~~ single-family occupancy, in which sleeping space is
 19 rented to guests ~~in the family home~~ and in which the
 20 landlord also resides, ~~shall be~~ is excluded from the
 21 provisions of this ~~act~~ subsection.

22 ~~(4)(5)~~ It is an unlawful discriminatory practice for a
 23 financial institution, upon receiving an application for
 24 financial assistance, to permit an official or employee,
 25 during the execution of his duties, to discriminate against

1 the applicant because of sex, marital status, race, creed,
 2 religion, age, physical or mental handicap, color, or
 3 national origin in a term, condition, or privilege relating
 4 to the obtainment or use of the institution's financial
 5 assistance, unless based on reasonable grounds.

6 ~~(5)~~(6) It is an unlawful discriminatory practice for
 7 the state or any of its political subdivisions:

8 (a) to refuse, withhold from, or deny to a person any
 9 local, state, or federal funds, services, goods, facilities,
 10 advantages, or privileges because of race, creed, religion,
 11 sex, marital status, color, age, physical or mental
 12 handicap, or national origin, unless based on reasonable
 13 grounds;

14 (b) to publish, circulate, issue, display, post, or
 15 mail a written or printed communication, notice, or
 16 advertisement which states or implies that any local, state,
 17 or federal funds, services, goods, facilities, advantages,
 18 or privileges of the office or agency will be refused,
 19 withheld from, or denied to a person of a certain race,
 20 creed, religion, sex, marital status, color, age, physical
 21 or mental handicap, or national origin or that the patronage
 22 of a person ~~belonging to~~ of a particular race, creed,
 23 religion, sex, marital status, color, ~~or certain~~ age, or
 24 national origin or possessing a physical or mental handicap,
 25 is unwelcome, or not desired or solicited, unless based on

1 reasonable grounds;

2 (c) to refuse employment to a person, ~~or~~ to bar him
 3 from employment, or to discriminate against him in
 4 compensation or in a term, condition, or privilege of
 5 employment because of his political beliefs. However, this
 6 prohibition does not apply to policy-making positions on the
 7 immediate staff of an elected officer of the executive
 8 branch provided for in ~~article~~ Article VI, section 1, of the
 9 Montana constitution, to the appointment by the governor of
 10 a director of a principal department provided for in ~~article~~
 11 Article VI, section 7, of the Montana constitution, or to
 12 the immediate staff of the majority and minority leadership
 13 of the Montana legislature.

14 ~~(6)~~(7) It is an unlawful discriminatory practice for
 15 an educational institution:

16 (a) to exclude, expel, limit, or otherwise
 17 discriminate against an individual seeking admission as a
 18 student or an individual enrolled as a student in the terms,
 19 ~~condition, and~~ conditions, or privileges of the institution
 20 because of race, creed, religion, sex, marital status,
 21 color, age, physical handicap, or national origin or because
 22 of mental handicap, unless based on reasonable grounds;

23 (b) to make or use a written or oral inquiry or form
 24 of application for admission that elicits or attempts to
 25 elicit information, or to make or keep a record, concerning

1 the race, color, sex, marital status, age, creed, religion,
2 physical or mental handicap, or national origin of an
3 applicant for admission, except as permitted by regulations
4 of the commission;

5 (c) to print, publish, or cause to be printed or
6 published a catalog or other notice or advertisement
7 indicating a limitation, specification, or discrimination
8 based on the race, color, creed, religion, age, physical or
9 mental handicap, sex, marital status, or national origin of
10 an applicant for admission; or

11 (d) to announce or follow a policy of denial or
12 limitation ~~through a quota or otherwise~~ of educational
13 opportunities of a group or its members through a quota or
14 otherwise because of race, color, sex, marital status, age,
15 creed, religion, physical or mental handicap, or national
16 origin.

17 ~~(7)(8)~~ It is an unlawful discriminatory practice for a
18 creditor to discriminate on the basis of race, color,
19 ~~religious~~ religion, creed, national origin, ~~ancestry~~, age,
20 mental or physical handicap, sex, or marital status against
21 any person in any credit transaction which is subject to the
22 jurisdiction of any state or federal court of record.

23 ~~(8)(9)~~ It is an unlawful discriminatory practice for a
24 person to discharge, expel, blacklist, or otherwise
25 discriminate against an individual because he has opposed

1 any practices forbidden under this act or because he has
2 filed a complaint, testified, assisted, or participated in
3 any manner in an investigation or proceeding under this act.

4 ~~(9)(10)~~ Any grounds urged as a "reasonable" basis for
5 an exemption under any section of this act shall be strictly
6 construed."

7 Section 8. Section 64-307, R.C.M. 1947, is amended to
8 read as follows:

9 "64-307. ~~Discrimination when discrimination~~ justified
10 ~~when.~~ (1) Sex, marital status, age, physical or mental
11 handicap, race, creed, religion, color, or national origin
12 may not comprise justification for discrimination unless the
13 nature of the service requires the discrimination for the
14 legally demonstrable purposes of correcting a previous
15 discriminatory practice.

16 (2) Age or mental handicap may represent a legitimate
17 discriminatory ~~criteria~~ criterion in credit transactions
18 only as it relates to a person's capacity to make or be
19 bound by contracts or other obligations.

20 ~~(2)(3)~~ Separate lavatory, bathing, or dressing
21 facilities based on the distinction of sex may be maintained
22 for the purpose of modesty or privacy."

23 Section 9. Section 64-317, R.C.M. 1947, is amended to
24 read as follows:

25 "64-317. Employment of state and local government

1 personnel ~~without regard for race, color, religious creed,~~
 2 ~~political ideas, sex, age, marital status, physical or~~
 3 ~~mental handicap, national origin, or ancestry~~ ==
 4 discrimination prohibited. (1) State and local government
 5 officials and supervisory personnel shall recruit, appoint,
 6 assign, train, evaluate, and promote personnel on the basis
 7 of merit and qualifications, without regard to race, color,
 8 religious religion, creed, political ideas, sex, age,
 9 marital status, physical or mental handicap, or national
 10 origin, ~~or ancestry.~~

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

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

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

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

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

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

25 Section 10. Section 64-318, R.C.M. 1947, is amended to

1 read as follows:

2 "64-318. Nonparticipation in discriminatory practices.

3 (1) All services of every state and local governmental
 4 agency shall be performed without discrimination based upon
 5 race, color, religious religion, creed, political ideas,
 6 sex, age, marital status, physical or mental handicap, or
 7 national origin, ~~or ancestry.~~

8 (2) No state or local facility ~~shall may~~ be used in
 9 the furtherance of any discriminatory practice, nor ~~shall~~
 10 ~~any may a~~ state or local agency become a party to ~~any an~~
 11 agreement, arrangement, or plan which has the effect of
 12 sanctioning discriminatory practices.

13 (3) Each state and local agency shall analyze all of
 14 its operations to ascertain possible instances of
 15 noncompliance with the policy of this act and shall initiate
 16 comprehensive programs to remedy any defect found to exist."

17 Section 11. Section 64-319, R.C.M. 1947, is amended to
 18 read as follows:

19 "64-319. Public contracts. Every state or local
 20 contract or subcontract for construction of public buildings
 21 or for other public work or for goods and services shall
 22 contain a provision that all hiring shall be on the basis
 23 of merit and qualifications and a provision that there ~~shall~~
 24 may be no discrimination on the basis of race, color,
 25 religious religion, creed, political ideas, sex, age,

1 marital status, physical or mental handicap, or national
2 origin, ~~or ancestry~~ by the persons performing the contract.

3 As used in this act, "qualifications" means such
4 qualifications as are genuinely related to competent
5 performance of the particular occupational task."

6 Section 12. Section 64-320, R.C.M. 1947, is amended to
7 read as follows:

8 "64-320. Employment requests — cooperation with
9 commission ~~for human rights programs~~ — enforcement of the
10 policy ~~of the act~~. (1) All state and local governmental
11 agencies, including educational institutions, which provide
12 employment referrals or placement services to public or
13 private employers, shall accept job orders on a fair
14 practice basis. ~~Any~~ A job request indicating an intention
15 to exclude ~~any~~ a person because of race, color, ~~religious~~
16 religion, creed, political ideas, sex, age, marital status,
17 physical or mental handicap, or national origin, ~~or ancestry~~
18 shall be rejected.

19 (2) All state and local governmental agencies shall
20 cooperate in programs developed by the commission for human
21 rights ~~initiated~~ for the purpose of broadening the base of
22 job recruitment and shall further cooperate with ~~all~~
23 employers and unions providing such programs.

24 (3) The department of labor shall cooperate with the
25 commission for human rights in encouraging and enforcing

1 compliance by employers and labor unions ~~to comply~~ with the
2 policy of this act and ~~promote~~ promotion of equal employment
3 opportunities."

4 Section 13. Section 64-321, R.C.M. 1947, is amended to
5 read as follows:

6 "64-321. Licensing. No state or local department,
7 board, or agency shall may grant, deny, or revoke the
8 license or charter of ~~any~~ a person on the grounds of race,
9 color, ~~religious~~ religion, creed, political ideas, sex, age,
10 marital status, physical or mental handicap, or national
11 origin, ~~or ancestry~~. Each state and local agency shall take
12 such appropriate action in the exercise of its licensing or
13 regulatory power as will assure equal treatment of all
14 persons, ~~and~~ eliminate discrimination, ~~and~~ enforce
15 compliance with the policy of this act."

16 Section 14. Section 64-323, R.C.M. 1947, is amended to
17 read as follows:

18 "64-323. State programs. All education, counseling,
19 and vocational guidance programs and all apprenticeship and
20 on-the-job training programs of state or local agencies, ~~or~~
21 in which state or local agencies participate, shall be open
22 to all persons, who shall be accepted on the basis of merit
23 and qualifications without regard to race, color, ~~religious~~
24 religion, creed, political ideas, sex, age, marital status,
25 physical or mental handicap, or national origin, ~~or~~

1 ~~ancestry~~. Such programs shall be conducted to encourage the
 2 ~~fullest~~ full development of the interests, aptitudes,
 3 skills, and capacities of all students and trainees, with
 4 special attention to the problems of culturally deprived,
 5 educationally handicapped, or economically disadvantaged
 6 persons. Expansion of training opportunities under these
 7 programs shall be encouraged to involve larger numbers of
 8 participants from those segments of the labor force where
 9 the need for upgrading levels of skill is greatest."

10 Section 15. Section 57-32", R.C.M. 1947, is amended to
 11 read as follows:

12 "64-324. Distribution of funds, ~~benefits, loans, and~~
 13 ~~financial~~ withholding state assistance. Race, color,
 14 ~~religious~~ religion, creed, political ideas, sex, age,
 15 marital status, physical or mental handicap, or national
 16 origin, ~~or ancestry shall~~ may not be considered as limiting
 17 factors with regard to applicants' qualifications for
 18 benefits authorized by law in state or locally administered
 19 programs involving the distribution of funds; ~~to qualify~~
 20 ~~applicants for benefits authorized by law~~ nor shall any
 21 state agencies provide grants, loans, or other financial
 22 assistance to public agencies, private institutions, or
 23 organizations which engage in discriminatory practices."

24 Section 16. Section 71-2412, R.C.M. 1947, is amended
 25 to read as follows:

1 "71-2412. Discrimination forbidden. The services
 2 provided under this act shall be made available without
 3 discrimination on the basis of race, color, creed, religion,
 4 or ability to pay and shall comply with the provisions of
 5 Title VI of the federal Civil Rights Act of 1964."

6 Section 17. Section 80-2806, R.C.M. 1947, is amended
 7 to read as follows:

8 "80-2806. Availability of services. The services of
 9 the department and of the incorporated regional mental
 10 health centers are available without discrimination on the
 11 basis of race, color, creed, religion, or ability to pay,
 12 and shall comply with Title VI of the Civil Rights Act of
 13 1964."

14 Section 18. Repealer. Section 64-211, R.C.M. 1947, is
 15 repealed.

-End-

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LC 0009

1977 Legislature
Code Commissioner Bill - Summary

House Bill No. 36

TO STANDARDIZE THE GROUNDS FOR UNLAWFUL DISCRIMINATION TO INCLUDE THE TERMS "RELIGION" AND "CREED" AND TO DELETE THE TERM "ANCESTRY" WHICH IS INCLUDED IN THE TERM "NATIONAL ORIGIN" BY DEFINITION.

In many antidiscrimination provisions of the code the term "religion" is used. In others, the term "creed" is used. The terms are apparently used interchangeably. However, there is a distinction since "creed" is the broader term encompassing any set of fundamental beliefs. Therefore, to clarify intent "religion" is added wherever only "creed" appears and "creed" is added wherever only "religion" appears.

Section 64-305(11) defines "national origin" as "ancestry". "National origin" and "ancestry" are both listed as prohibited bases for discrimination in many sections of chapter 3. Since this use of the term "ancestry" is totally superfluous and potentially confusing, it is deleted wherever it appears in the same list with "national origin" in Title 64, chapter 3.

Approved by Committee
on Judiciary

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2 INTRODUCED BY MARKS

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18 by political or religious opinions or race. No person in the
19 classified service or seeking admission thereto ~~shall~~ may be
20 appointed, reduced, ~~or~~ removed, or in any way favored or
21 discriminated against, ~~or~~ because of political opinions or
22 affiliations, or because of race, color, creed, or ~~religious~~
23 ~~beliefs~~ religion."

24 Section 2. Section 11-3917, R.C.M. 1947, is amended to
25 read as follows:

1 "11-3917. Prohibition against discrimination. For all
2 of the purposes of this act, no person ~~shall~~ may be
3 subjected to discrimination because of race, religion,
4 creed, color, or national origin, ~~be subjected to any~~
5 discrimination."

6 Section 3. Section 16-4806, R.C.M. 1947, is amended to
7 read as follows:

8 "16-4806. Discrimination in employment prohibited. No
9 contract of employment ~~will~~ may be entered into except in
10 compliance with the Equal Opportunity Act of 1966, and
11 executive order of 1966, providing that there be no
12 discrimination in the employment of persons ~~due to~~ because
13 of race, religion, creed, color, or national origin."

14 Section 4. Section 37-104.10, R.C.M. 1947, is amended
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16 "37-104.10. Type of arguments to be excluded from
17 pamphlet -- liability for libel. (1) The secretary of state
18 shall reject and shall not file or print in the voters'
19 pamphlet an argument or other matter;

20 (a) held by the attorney general to contain obscene,
21 vulgar, profane, scandalous, libelous, or defamatory matter,
22 or to contain any language that in any way incites,
23 counsels, promotes, or advocates hatred, abuse, violence, or
24 hostility toward, or that tends to cast ridicule or shame
25 upon, a group of persons by reason of race, color, creed,

There are no changes in HB 36, & will not be re-run.

Please refer to write copy for complete text. SECOND READING

HB 36

1 religion, or sex, or ~~any matter~~
 2 (b) not allowed to be sent through the mail. Such
 3 arguments ~~may not be filed or printed in the voters'~~
 4 ~~pamphlet.~~

5 (2) Nothing in this ~~act~~ section relieves either ~~an~~
 6 ~~argument~~ ~~nor~~ an author of an argument from civil or criminal
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9 Section 5. Section 40-3512, R.C.M. 1947, is amended to
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11 "40-3512. Unfair discrimination, rebates prohibited —
 12 property, casualty, surety insurances. (1) No property,
 13 casualty, or surety insurer or any employee, ~~or~~
 14 representative, ~~thereof, and no~~ agent, or solicitor thereof
 15 may, as an inducement to purchase insurance or after
 16 insurance has been effected, shall pay, allow, or give, or
 17 offer to pay, allow, or give, directly or indirectly, ~~as an~~
 18 ~~inducement to insurance, or after insurance has been~~
 19 ~~effected,~~ any rebate, discount, abatement, credit, or
 20 reduction of the premium named in the insurance policy; ~~of~~
 21 ~~insurance,~~ ~~or~~ any special favor or advantage in the
 22 dividends or other benefits to accrue thereon; or any
 23 valuable consideration or inducement ~~whatever,~~ not specified
 24 in the policy, except to the extent provided for in an
 25 applicable filing with the commissioner as provided by law.

1 (2) No insured named in a policy, ~~nor~~ or any employee
 2 of ~~such~~ the insured ~~shall~~ may knowingly receive or accept,
 3 directly or indirectly, any such rebate, discount,
 4 abatement, credit, or reduction of premium, ~~or any such~~
 5 special favor or advantage; or valuable consideration or
 6 inducement.

7 (3) No such insurer ~~shall~~ may make or permit any
 8 unfair discrimination ~~either between insureds or property~~
 9 ~~having like insuring or risk characteristics, or between~~
 10 ~~insureds because of race, color, creed, or national origin,~~
 11 in the premium or rates charged for insurance, ~~or~~ in the
 12 dividends or other benefits payable thereon, or in any other
 13 of the terms and conditions of the insurance either between
 14 insureds or property having like insuring or risk
 15 characteristics or between insureds because of race, color,
 16 creed, religion, or national origin.

17 (4) Nothing in this section ~~shall~~ may be construed as
 18 prohibiting the payment of commissions or other compensation
 19 to duly licensed agents, or solicitors, or as prohibiting
 20 ~~any~~ an insurer from allowing or returning ~~to its~~
 21 ~~participating policyholders, members or subscribers,~~ lawful
 22 dividends, savings, or unabsorbed premium deposits to its
 23 participating policyholders, members, or subscribers."

24 Section 6. Section 64-301, R.C.M. 1947, is amended to
 25 read as follows:

1 HOUSE BILL NO. 36
2 INTRODUCED BY MARKS
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO STANDARDIZE THE
5 GROUNDS FOR UNLAWFUL DISCRIMINATION TO INCLUDE THE TERMS
6 "RELIGION" AND "CREED" AND TO DELETE THE TERM "ANCESTRY"
7 WHICH IS INCLUDED IN THE TERM "NATIONAL ORIGIN" BY
8 DEFINITION; AMENDING SECTIONS 11-3283, 11-3917, 16-4806,
9 37-104.10, 40-3512, 64-301, 64-306, 64-307, 64-317, 64-318,
10 64-319, 64-320, 64-321, 64-323, 64-324, 71-2412, AND
11 80-2806, R.C.M. 1947; AND REPEALING SECTION 64-211, R.C.M.
12 1947."
13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15 Section 1. Section 11-3283, R.C.M. 1947, is amended to
16 read as follows:
17 "11-3283. Persons in classified service not affected
18 by political or religious opinions or race. No person in the
19 classified service or seeking admission thereto shall ~~may~~ be
20 appointed, reduced, ~~or~~ removed, or in any way favored or
21 discriminated against, ~~or~~ because of political opinions or
22 affiliations, or because of race, color, creed, or religious
23 ~~beliefs~~ religion."
24 Section 2. Section 11-3917, R.C.M. 1947, is amended to
25 read as follows:

1 "11-3917. Prohibition against discrimination. For all
2 of the purposes of this act, no person shall, may be
3 subjected to discrimination because of race, religion,
4 creed, color, or national origin, ~~be subjected to any~~
5 discrimination."
6 Section 3. Section 16-4806, R.C.M. 1947, is amended to
7 read as follows:
8 "16-4806. Discrimination in employment prohibited. No
9 contract of employment ~~will~~ may be entered into except in
10 compliance with the Equal Opportunity Act of 1966, and
11 executive order of 1966, providing that there be no
12 discrimination in the employment of persons ~~due to~~ because
13 of race, religion, creed, color, or national origin."
14 Section 4. Section 37-104.10, R.C.M. 1947, is amended
15 to read as follows:
16 "37-104.10. Type of arguments to be excluded from
17 pamphlet — liability for libel. (1) The secretary of state
18 shall reject and shall not file or print in the voters'
19 pamphlet an argument or other matter;
20 (a) held by the attorney general to contain obscene,
21 vulgar, profane, scandalous, libelous, or defamatory matter
22 or to contain any language that in any way incites,
23 counsels, promotes, or advocates hatred, abuse, violence, or
24 hostility toward, or that tends to cast ridicule or shame
25 upon, a group of persons by reason of race, color, creed,

There are no changes in HB 36, & will not be re-run.

Please refer to white copy for complete text.

THIRD READING

HB 36

1 religion, or sex, or any matter

2 (b) not allowed to be sent through the mail. Such
3 arguments ~~may not be filed or printed in the voters'~~
4 ~~pamphlet.~~

5 (2) Nothing in this ~~act~~ section relieves either ~~as~~
6 ~~argument~~ ~~nor~~ an author of an argument from civil or criminal
7 responsibility for statements contained in an argument
8 printed in the voters' pamphlet."

9 Section 5. Section 40-3512, R.C.M. 1947, is amended to
10 read as follows:

11 "40-3512. Unfair discrimination, rebates prohibited --
12 property, casualty, surety insurances. (1) No property,
13 casualty, or surety insurer or any employee, or
14 representative, thereof, and no agent, or solicitor thereof
15 may, as an inducement to purchase insurance or after
16 insurance has been effected, shall pay, allow, or give, or
17 offer to pay, allow, or give, directly or indirectly, as an
18 inducement to insurance, or after insurance has been
19 effected, any rebate, discount, abatement, credit, or
20 reduction of the premium named in the insurance policy, of
21 insurance, or any special favor or advantage in the
22 dividends or other benefits to accrue thereon, or any
23 valuable consideration or inducement whatever, not specified
24 in the policy, except to the extent provided for in an
25 applicable filing with the commissioner as provided by law.

1 (2) No insured named in a policy, ~~nor~~ or any employee
2 of such the insured shall may knowingly receive or accept,
3 directly or indirectly, any such rebate, discount,
4 abatement, credit, or reduction of premium, ~~or any such~~
5 special favor or advantage, or valuable consideration or
6 inducement.

7 (3) No such insurer shall may make or permit any
8 unfair discrimination ~~either between insureds or property~~
9 ~~having like insuring or risk characteristics, or between~~
10 ~~insureds because of race, color, creed, or national origin,~~
11 in the premium or rates charged for insurance, or in the
12 dividends or other benefits payable thereon, or in any other
13 of the terms and conditions of the insurance either between
14 insureds or property having like insuring or risk
15 characteristics or between insureds because of race, color,
16 creed, religion, or national origin.

17 (4) Nothing in this section shall may be construed as
18 prohibiting the payment of commissions or other compensation
19 to duly licensed agents, or solicitors, or as prohibiting
20 ~~any an~~ insurer from allowing or returning ~~to its~~
21 ~~participating policyholders, members or subscribers,~~ lawful
22 dividends, savings, or unabsorbed premium deposits to its
23 participating policyholders, members, or subscribers."

24 Section 6. Section 64-301, R.C.M. 1947, is amended to
25 read as follows: