

HOUSE BILL 774

IN THE HOUSE

February 13, 1979	Introduced and referred to Committee on Judiciary.
February 19, 1979	Committee recommend bill, do pass.
February 21, 1979	Second reading, as amended.
February 22, 1979	Considered correctly engrossed.
February 23, 1979	Third reading, passed.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Judiciary.
March 21, 1979	On motion, taken from Committee on Judiciary, as amended and referred to second reading. Motion adopted.
March 23, 1979	Second reading, indefinitely postponed.

IN THE HOUSE

March 24, 1979	Returned from Senate, indefinitely postponed.
----------------	---

1 ~~HOUSE~~ BILL NO. 774
 2 INTRODUCED BY Seifer Moore Albrecht Mark

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE MARITAL
 5 STATUS AS USED IN THE LAWS GOVERNING ILLEGAL DISCRIMINATION
 6 AND TO EXCLUDE COHABITATION FROM THE DEFINITION OF MARITAL
 7 STATUS; AMENDING SECTION 49-2-101, MCA."
 8

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

10 Section 1. Section 49-2-101, MCA, is amended to read:

11 "49-2-101. Definitions. As used in this chapter,
 12 unless the context requires otherwise, the following
 13 definitions apply:

14 (1) "Age" means number of years since birth. It does
 15 not mean level of maturity or ability to handle
 16 responsibility. These latter criteria may represent
 17 legitimate considerations as reasonable grounds for
 18 discrimination without reference to age.

19 (2) "Commission" means the commission for human rights
 20 provided for in 2-15-1706.

21 (3) "Credit" means the right granted by a creditor to
 22 a person to defer payment of a debt, to incur debt and defer
 23 its payment, or to purchase property or services and defer
 24 payment therefor, including but not limited to the right to
 25 incur and defer debt which is secured by residential real

1 property.

2 (4) "Credit transaction" means any invitation to apply
 3 for credit, application for credit, extension of credit, or
 4 credit sale.

5 (5) "Creditor" means a person who, regularly or as a
 6 part of his business, arranges for the extension of credit
 7 for which the payment of a financial charge or interest is
 8 required, whether in connection with loans, sale of property
 9 or services, or otherwise.

10 (6) "Educational institution" means a public or
 11 private institution and includes an academy; college;
 12 elementary or secondary school; extension course;
 13 kindergarten; nursery; school system; university; business,
 14 nursing, professional, secretarial, technical, or vocational
 15 school; or agent of an educational institution.

16 (7) "Employee" means any individual employed by an
 17 employer.

18 (8) "Employer" means an employer of one or more
 19 persons but does not include a fraternal, charitable, or
 20 religious association or corporation if the association or
 21 corporation is not organized either for private profit or to
 22 provide accommodation or services that are available on a
 23 nonmembership basis.

24 (9) "Employment agency" means a person undertaking to
 25 procure employees or opportunities to work.

1 (10) "Financial institution" means a commercial bank,
2 trust company, mutual savings bank, cooperative bank,
3 homestead association, finance company, mutual savings and
4 loan association, or insurance company.

5 (11) "Housing accommodation" means a building or
6 portion of a building, whether constructed or to be
7 constructed, which is or will be used as the sleeping
8 quarters of its occupants.

9 (12) "Labor organization" means an organization or an
10 agent of the organization organized for the purpose, in
11 whole or in part, of collective bargaining, of dealing with
12 employers concerning grievances or terms or conditions of
13 employment, or of other mutual aid protection of employees.

14 ~~(13) "Marital status" means whether or not a person is~~
15 ~~single, married, divorced, widowed, or separated but does~~
16 ~~not include the term "cohabitation", which refers to two~~
17 ~~people living together, participating in sexual intercourse,~~
18 ~~and participating in other activities usually associated~~
19 ~~with marital status without having had their relationship~~
20 ~~solemnized in accordance with law.~~

21 ~~(14)~~(14) "Mental handicap" means any mental disability
22 resulting in subaverage intellectual functioning or impaired
23 social competence.

24 ~~(15)~~(15) "National origin" means ancestry.

25 ~~(16)~~(16) "Person" means one or more individuals, labor

1 unions, partnerships, associations, corporations, legal
2 representatives, mutual companies, joint-stock companies,
3 trusts, unincorporated employees, employers, employment
4 agencies, or labor organizations.

5 ~~(17)~~(17) "Physical handicap" means a physical
6 disability, infirmity, malformation, or disfigurement which
7 is caused by bodily injury, birth defect, or illness,
8 including epilepsy. It shall include without limitation any
9 degree of paralysis; amputation; lack of physical
10 coordination; blindness or visual impediment; deafness or
11 hearing impediment; muteness or speech impediment; or
12 physical reliance on a guide dog for the blind, a
13 wheelchair, or any other remedial appliance or device.

14 ~~(18)~~(18) "Public accommodation" means a place which
15 caters or offers its services, goods, or facilities to the
16 general public, including but not limited to a public inn,
17 restaurant, eating house, hotel, roadhouse, place where food
18 or alcoholic beverages or malt liquors are sold or
19 consumption, motel, soda fountain, soft drink parlor,
20 tavern, night club, trailer park, resort, campground, barber
21 shop, beauty parlor, bathroom, rest house, theater, swimming
22 pool, skating rink, golf course, cafe, ice cream parlor,
23 transportation company, hospital, and all other public
24 amusement and business establishments, subject only to the
25 conditions and limitations established by law and applicable

LC 1524/01

1 alike to all persons.
2 ~~(10)(19)~~ "Staff" or "commission staff" means the staff
3 of the commission for human rights."

-End-

1 HOUSE BILL NO. 774

2 INTRODUCED BY SEIFERT, MOORE, FEDA, MARKS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE MARITAL
5 STATUS AS USED IN THE LAWS GOVERNING ILLEGAL DISCRIMINATION
6 AND TO EXCLUDE COHABITATION FROM THE DEFINITION OF MARITAL
7 STATUS; AMENDING SECTION 49-2-101, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 49-2-101, MCA, is amended to read:

11 "49-2-101. Definitions. As used in this chapter,
12 unless the context requires otherwise, the following
13 definitions apply:

14 (1) "Age" means number of years since birth. It does
15 not mean level of maturity or ability to handle
16 responsibility. These latter criteria may represent
17 legitimate considerations as reasonable grounds for
18 discrimination without reference to age.

19 (2) "Commission" means the commission for human rights
20 provided for in 2-15-1706.

21 (3) "Credit" means the right granted by a creditor to
22 a person to defer payment of a debt, to incur debt and defer
23 its payment, or to purchase property or services and defer
24 payment therefor, including but not limited to the right to
25 incur and defer debt which is secured by residential real

1 property.

2 (4) "Credit transaction" means any invitation to apply
3 for credit, application for credit, extension of credit, or
4 credit sale.

5 (5) "Creditor" means a person who, regularly or as a
6 part of his business, arranges for the extension of credit
7 for which the payment of a financial charge or interest is
8 required, whether in connection with loans, sale of property
9 or services, or otherwise.

10 (6) "Educational institution" means a public or
11 private institution and includes an academy; college;
12 elementary or secondary school; extension course;
13 kindergarten; nursery; school system; university; business,
14 nursing, professional, secretarial, technical, or vocational
15 school; or agent of an educational institution.

16 (7) "Employee" means any individual employed by an
17 employer.

18 (8) "Employer" means an employer of one or more
19 persons but does not include a fraternal, charitable, or
20 religious association or corporation if the association or
21 corporation is not organized either for private profit or to
22 provide accommodation or services that are available on a
23 nonmembership basis.

24 (9) "Employment agency" means a person undertaking to
25 procure employees or opportunities to work.

1 (10) "Financial institution" means a commercial bank,
 2 trust company, mutual savings bank, cooperative bank,
 3 homestead association, finance company, mutual savings and
 4 loan association, or insurance company.

5 (11) "Housing accommodation" means a building or
 6 portion of a building, whether constructed or to be
 7 constructed, which is or will be used as the sleeping
 8 quarters of its occupants.

9 (12) "Labor organization" means an organization or an
 10 agent of the organization organized for the purpose, in
 11 whole or in part, of collective bargaining, of dealing with
 12 employers concerning grievances or terms or conditions of
 13 employment, or of other mutual aid protection of employees.

14 ~~(13) "Marital status" means whether or not a person is~~
 15 ~~single, married, divorced, widowed, or separated but does~~
 16 ~~not include the term "cohabitation", which refers to two~~
 17 ~~people living together, participating in sexual intercourse,~~
 18 ~~and participating in other activities usually associated~~
 19 ~~with marital status MARRIAGE without having had their~~
 20 ~~relationship solemnized in accordance with law.~~

21 ~~(14)~~ (14) "Mental handicap" means any mental disability
 22 resulting in subaverage intellectual functioning or impaired
 23 social competence.

24 ~~(15)~~ (15) "National origin" means ancestry.

25 ~~(16)~~ (16) "Person" means one or more individuals, labor

1 unions, partnerships, associations, corporations, legal
 2 representatives, mutual companies, joint-stock companies,
 3 trusts, unincorporated employees, employers, employment
 4 agencies, or labor organizations.

5 ~~(17)~~ (17) "Physical handicap" means a physical
 6 disability, infirmity, malformation, or disfigurement which
 7 is caused by bodily injury, birth defect, or illness,
 8 including epilepsy. It shall include without limitation any
 9 degree of paralysis; amputation; lack of physical
 10 coordination; blindness or visual impediment; deafness or
 11 hearing impediment; muteness or speech impediment; or
 12 physical reliance on a guide dog for the blind, a
 13 wheelchair, or any other remedial appliance or device.

14 ~~(18)~~ (18) "Public accommodation" means a place which
 15 caters or offers its services, goods, or facilities to the
 16 general public, including but not limited to a public inn,
 17 restaurant, eating house, hotel, roadhouse, place where food
 18 or alcoholic beverages or malt liquors are sold for
 19 consumption, motel, soda fountain, soft drink parlor,
 20 tavern, night club, trailer park, resort, campground, barber
 21 shop, beauty parlor, bathroom, rest house, theater, swimming
 22 pool, skating rink, golf course, cafe, ice cream parlor,
 23 transportation company, hospital, and all other public
 24 amusement and business establishments, subject only to the
 25 conditions and limitations established by law and applicable

HB 0774/02

1 alike to all persons.

2 ~~§187(1)(9)~~ "Staff" or "commission staff" means the staff

3 of the commission for human rights."

-End-

March 21, 1979

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 774, third reading bill, be amended as follows:

1. Title, lines 6 and 7.

Following: line 5

Strike: line 6 through "STATUS" on line 7

2. Page 3, line 14.

Following: "means"

Strike: "whether or not"

Insert: "the status of"

Following: "person"

Insert: "as to whether he"

3. Page 3, lines 15 through 20.

Following: "separated" on line 15

Strike: remainder of line 15 through "law" on line 20.