

CHAPTER NO. 709.

HOUSE BILL NO. 775

INTRODUCED BY SEIFERT, MOORE, FEDA, BENNETT, MARKS, SPILKER

IN THE HOUSE

February 13, 1979	Introduced and referred to Committee on Judiciary.
February 19, 1979	Committee recommend bill do pass. Report adopted.
February 21, 1979	Second reading, do pass as amended.
February 22, 1979	Correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Judiciary.
April 5, 1979	Committee recommend bill be concurred in. Report adopted.
April 7, 1979	Motion pass consideration.
April 9, 1979	Second reading, concurred in.
April 11, 1979	Third reading, concurred in.

IN THE HOUSE

April 12, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

1 ~~House~~ BILL NO. 775
 2 INTRODUCED BY Edie M. Mason John Bennett
 3 Speaker

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW ATTORNEYS'
 5 FEES TO A PERSON ALLEGED TO HAVE ENGAGED IN A DISCRIMINATORY
 6 PRACTICE IF THE COMPLAINT IS DISMISSED; AMENDING SECTION
 7 49-2-507, MCA."

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

10 Section 1. Section 49-2-507, MCA, is amended to read:
 11 "49-2-507. Procedure upon failure to find
 12 discrimination -- attorneys' fees. (1) If the commission
 13 finds that a person against whom a complaint was filed has
 14 not engaged in the discriminatory practice alleged in the
 15 complaint, it shall issue and cause to be served on the
 16 complainant an order dismissing the complaint.

17 ~~(2) The person against whom the complaint was filed is~~
 18 ~~entitled to recover a reasonable attorneys' fee from the~~
 19 ~~person filing the complaint."~~

-End-

HB 775
 INTRODUCED BILL

HOUSE BILL NO. 775

INTRODUCED BY SEIFERT, MOORE, FEDA, BENNETT, MARKS, SPILKER

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW ATTORNEYS' FEES TO A PERSON ALLEGED TO HAVE ENGAGED IN A DISCRIMINATORY PRACTICE IF THE COMPLAINT IS DISMISSED; AMENDING SECTION 49-2-507, MCA THE PREVAILING PARTY IN A CONTESTED CASE HEARING UNDER THE HUMAN RIGHTS ACT; AMENDING SECTION 49-2-505, MCA."

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 49-2-505, MCA, IS AMENDED TO READ:

"49-2-505. Contested case hearing. (1) If the informal efforts to eliminate the alleged discrimination are unsuccessful, the staff shall inform the commission of the failure and the commission shall cause written notice to be served, together with a copy of the complaint, requiring the person, employer, business, corporation, or agency charged in the complaint to answer the allegations of the complaint at a hearing before the commission.

(2) The hearing shall be held by the commission in the county where the unlawful conduct is alleged to have occurred unless the person, employer, business, corporation,

organization, agency, or the commission requests a change of venue for good cause shown. The case in support of the complaint may be presented before the commission by the staff, the complainant, or an attorney representing the complainant. The hearing and any subsequent proceedings under this chapter, except as permitted under 49-2-508, shall be held in accordance with the Montana Administrative Procedure Act.

(3) The commission may make provision for defraying the expenses of any indigent party in a contested hearing held pursuant to this chapter.

(4) The prevailing party in a hearing under this section may bring an action in district court for attorneys' fees. The court in its discretion may allow the prevailing party reasonable attorneys' fees. An action under this section must comply with the Montana Rules of Civil Procedure."

-End-

HOUSE BILL NO. 775

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A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW ATTORNEYS' FEES TO A PERSON ALLEGED TO HAVE ENGAGED IN A DISCRIMINATORY PRACTICE--IF--THE--COMPLAINT--IS--DISMISSED--AMENDING SECTION 49-2-507, MCA THE PREVAILING PARTY IN A CONTESTED CASE HEARING UNDER THE HUMAN RIGHTS ACT; AMENDING SECTION 49-2-505, MCA."

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