

HOUSE BILL NO. 91

INTRODUCED BY ASAY, McLANE, FEDA, STOBIE, PISTORIA,
CONROY, BERGENE, MENAHAN, ELLISON, MANNING

IN THE HOUSE

January 6, 1981	On motion by chief sponsor Reps. McLane, Feda, Stobie, Pistoria, Conroy, Bergene, Menahan, Ellison, and Manning were added as authors to the prefiled bill.
	Introduced and referred to Committee on Human Services.
January 19, 1981	Committee recommend bill do pass. Report adopted.
January 20, 1981	Bill printed and placed on members' desks.
January 21, 1981	Second reading, do pass.
January 22, 1981	Considered correctly engrossed.
	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 23, 1981	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 6, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 9, 1981	Second reading. Concurred in.
March 12, 1981	Third reading, concurred in as amended. Ayes, 50; Noes, 0.

IN THE HOUSE

March 13, 1981

Returned from Senate as amended.

March 18, 1981

Second reading, amendments
concurrent in.

March 20, 1981

Third reading, amendments concurred
in. Ayes, 88; Noes, 1. Sent to
enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 91
2 INTRODUCED BY ASAY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE DEAF PERSONS
5 WITH CERTAIN RIGHTS PRESENTLY ACCORDED TO THE BLIND;
6 AMENDING SECTIONS 49-4-202, 49-4-211, 49-4-212, 49-4-214,
7 AND 49-4-215, MCA."

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

10 Section 1. Section 49-4-202, MCA, is amended to read:

11 "49-4-202. Policy of the state. It is the policy of
12 the state to encourage and enable the blind, the visually
13 handicapped, ~~the deaf~~, and the otherwise physically disabled
14 to participate fully in the social and economic life of the
15 state and to engage in remunerative employment. The blind,
16 the visually handicapped, ~~the deaf~~, and the otherwise
17 physically disabled shall be employed in the state service,
18 the service of the political subdivisions of the state, the
19 public schools, and all other employment supported in whole
20 or in part by public funds on the same terms and conditions
21 as the able-bodied, unless it is shown that the particular
22 disability prevents the performance of the work involved."

23 Section 2. Section 49-4-211, MCA, is amended to read:

24 "49-4-211. Right to use public places and
25 accommodations. (1) The blind, and the visually handicapped,

1 ~~and the deaf~~ have the same right as the able-bodied to the
2 full and free use of the streets, highways, sidewalks,
3 walkways, public buildings, public facilities, and other
4 public places.

5 (2) The blind, and the visually handicapped, ~~and the~~
6 ~~deaf~~ are entitled to full and equal accommodations,
7 advantages, facilities, and privileges of all common
8 carriers, as defined in 69-11-101, and all public
9 accommodations, as defined in 49-2-101, subject only to the
10 conditions and limitations established by law and applicable
11 alike to all persons."

12 Section 3. Section 49-4-212, MCA, is amended to read:

13 "49-4-212. Access to housing accommodations. (1)
14 ~~Blind persons and visually handicapped, and deaf~~ persons
15 are entitled to as full and equal access as other members of
16 the general public to any housing accommodation offered for
17 compensation in this state.

18 (2) Nothing in this section requires a person renting,
19 leasing, or providing real property for compensation to
20 modify his property in any way or provide a higher degree of
21 care for a blind, ~~person or a~~ visually handicapped, ~~or deaf~~
22 ~~person~~ than for a person who is not so disabled."

23 Section 4. Section 49-4-214, MCA, is amended to read:

24 "49-4-214. Right to be accompanied by a guide dog. (1)
25 Every totally or partially blind ~~or deaf~~ person has the

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1 right to be accompanied by a guide dog, especially trained
2 for the purpose, in any of the places mentioned in
3 49-4-211(2) without being charged extra for the guide dog.
4 He is liable for any damage done to the premises or
5 facilities by such dog.

6 (2) Every totally or partially blind ~~or deaf~~ person
7 who has a guide dog or who obtains a guide dog is entitled
8 to full and equal access to all housing accommodations as
9 provided in 49-2-305 and 49-4-212. He may not be required to
10 pay extra compensation for the guide dog but is liable for
11 any damage done to the premises by the guide dog."

12 Section 5. Section 49-4-215, MCA, is amended to read:

13 "49-4-215. Penalty for violating rights. Any person,
14 firm, or corporation or the agent of any person, firm, or
15 corporation who denies or interferes with admittance to or
16 enjoyment of the public facilities enumerated in 49-4-211 or
17 otherwise interferes with the rights of a totally or
18 partially blind, ~~deaf~~, or otherwise disabled person under
19 49-4-211 is guilty of a misdemeanor."

-End-

Approved by Comm. On
Human Services

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6 AMENDING SECTIONS 49-4-202, 49-4-211, 49-4-212, 49-4-214,
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12 the state to encourage and enable the blind, the visually
13 handicapped, ~~the deaf~~, and the otherwise physically disabled
14 to participate fully in the social and economic life of the
15 state and to engage in remunerative employment. The blind,
16 the visually handicapped, ~~the deaf~~, and the otherwise
17 physically disabled shall be employed in the state service,
18 the service of the political subdivisions of the state, the
19 public schools, and all other employment supported in whole
20 or in part by public funds on the same terms and conditions
21 as the able-bodied, unless it is shown that the particular
22 disability prevents the performance of the work involved."

23 Section 2. Section 49-4-211, MCA, is amended to read:

24 "49-4-211. Right to use public places and
25 accommodations. (1) The blind, ~~and the visually handicapped,~~

1 ~~and the deaf~~ have the same right as the able-bodied to the
2 full and free use of the streets, highways, sidewalks,
3 walkways, public buildings, public facilities, and other
4 public places.

5 (2) The blind, ~~and the visually handicapped,~~ ~~and the~~
6 ~~deaf~~ are entitled to full and equal accommodations,
7 advantages, facilities, and privileges of all common
8 carriers, as defined in 69-11-101, and all public
9 accommodations, as defined in 49-2-101, subject only to the
10 conditions and limitations established by law and applicable
11 alike to all persons."

12 Section 3. Section 49-4-212, MCA, is amended to read:

13 "49-4-212. Access to housing accommodations. (1)
14 Blind, ~~persons-and visually handicapped,~~ ~~and deaf~~ persons
15 are entitled to as full and equal access as other members of
16 the general public to any housing accommodation offered for
17 compensation in this state.

18 (2) Nothing in this section requires a person renting,
19 leasing, or providing real property for compensation to
20 modify his property in any way or provide a higher degree of
21 care for a blind, ~~person-or-a visually handicapped,~~ ~~or deaf~~
22 person than for a person who is not so disabled."

23 Section 4. Section 49-4-214, MCA, is amended to read:

24 "49-4-214. Right to be accompanied by a guide dog. (1)
25 Every totally or partially blind ~~or deaf~~ person has the

1 right to be accompanied by a guide dog, especially trained
2 for the purpose, in any of the places mentioned in
3 49-4-211(2) without being charged extra for the guide dog.
4 He is liable for any damage done to the premises or
5 facilities by such dog.

6 (2) Every totally or partially blind ~~or deaf~~ person
7 who has a guide dog or who obtains a guide dog is entitled
8 to full and equal access to all housing accommodations as
9 provided in 49-2-305 and 49-4-212. He may not be required to
10 pay extra compensation for the guide dog but is liable for
11 any damage done to the premises by the guide dog."

12 Section 5. Section 49-4-215, MCA, is amended to read:

13 "49-4-215. Penalty for violating rights. Any person,
14 firm, or corporation or the agent of any person, firm, or
15 corporation who denies or interferes with admittance to or
16 enjoyment of the public facilities enumerated in 49-4-211 or
17 otherwise interferes with the rights of a totally or
18 partially blind, ~~deaf~~ or otherwise disabled person under
19 49-4-211 is guilty of a misdemeanor."

-End-

1 HOUSE BILL NO. 91
2 INTRODUCTION BY ASAX

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE DEAF PERSONS
5 WITH CERTAIN RIGHTS PRESENTLY ACCORDED TO THE BLIND;
6 AMENDING SECTIONS 49-4-202, 49-4-211, 49-4-212, 49-4-214,
7 AND 49-4-215, MCA."

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

10 Section 1. Section 49-4-202, MCA, is amended to read:
11 "49-4-202. Policy of the state. It is the policy of
12 the state to encourage and enable the blind, the visually
13 handicapped, ~~the deaf,~~ and the otherwise physically disabled
14 to participate fully in the social and economic life of the
15 state and to engage in remunerative employment. The blind,
16 the visually handicapped, ~~the deaf,~~ and the otherwise
17 physically disabled shall be employed in the state service,
18 the service of the political subdivisions of the state, the
19 public schools, and all other employment supported in whole
20 or in part by public funds on the same terms and conditions
21 as the able-bodied, unless it is shown that the particular
22 disability prevents the performance of the work involved."

23 Section 2. Section 49-4-211, MCA, is amended to read:
24 "49-4-211. Right to use public places and
25 accommodations. (1) The blind, and the visually handicapped,

1 ~~and the deaf~~ have the same right as the able-bodied to the
2 full and free use of the streets, highways, sidewalks,
3 walkways, public buildings, public facilities, and other
4 public places.

5 (2) The blind, and the visually handicapped, ~~and the~~
6 ~~deaf~~ are entitled to full and equal accommodations,
7 advantages, facilities, and privileges of all common
8 carriers, as defined in 69-11-101, and all public
9 accommodations, as defined in 49-2-101, subject only to the
10 conditions and limitations established by law and applicable
11 alike to all persons."

12 Section 3. Section 49-4-212, MCA, is amended to read:
13 "49-4-212. Access to housing accommodations. (1)
14 ~~Blind, persons-and visually handicapped, and deaf~~ persons
15 are entitled to as full and equal access as other members of
16 the general public to any housing accommodation offered for
17 compensation in this state.

18 (2) Nothing in this section requires a person renting,
19 leasing, or providing real property for compensation to
20 modify his property in any way or provide a higher degree of
21 care for a blind, ~~person-or-a~~ visually handicapped, ~~or deaf~~
22 person than for a person who is not so disabled."

23 Section 4. Section 49-4-214, MCA, is amended to read:
24 "49-4-214. Right to be accompanied by a guide dog. (1)
25 Every totally or partially blind ~~or deaf~~ person has the

1 right to be accompanied by a guide dog, especially trained
2 for the purpose, in any of the places mentioned in
3 49-4-211(2) without being charged extra for the guide dog.
4 He is liable for any damage done to the premises or
5 facilities by such dog.

6 (2) Every totally or partially blind ~~or deaf~~ person
7 who has a guide dog or who obtains a guide dog is entitled
8 to full and equal access to all housing accommodations as
9 provided in 49-2-305 and 49-4-212. He may not be required to
10 pay extra compensation for the guide dog but is liable for
11 any damage done to the premises by the guide dog."

12 Section 5. Section 49-4-215, MCA, is amended to read:

13 "49-4-215. Penalty for violating rights. Any person,
14 firm, or corporation or the agent of any person, firm, or
15 corporation who denies or interferes with admittance to or
16 enjoyment of the public facilities enumerated in 49-4-211 or
17 otherwise interferes with the rights of a totally or
18 partially blind, ~~deaf,~~ or otherwise disabled person under
19 49-4-211 is guilty of a misdemeanor."

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Section 1. Section 49-4-202, MCA, is amended to read:

"49-4-202. Policy of the state. It is the policy of the state to encourage and enable the blind, the visually handicapped, the deaf, and the otherwise physically disabled to participate fully in the social and economic life of the state and to engage in remunerative employment. The blind, the visually handicapped, the deaf, and the otherwise physically disabled shall be employed in the state service, the service of the political subdivisions of the state, the public schools, and all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved."

Section 2. Section 49-4-211, MCA, is amended to read:

"49-4-211. Right to use public places and

accommodations. (1) The blind, ~~and~~ the visually handicapped, ~~and the deaf~~ have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

(2) The blind, ~~and~~ the visually handicapped, ~~and the deaf~~ are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, as defined in 69-11-101, and all public accommodations, as defined in 49-2-101, subject only to the conditions and limitations established by law and applicable alike to all persons."

Section 3. Section 49-4-212, MCA, is amended to read:

"49-4-212. Access to housing accommodations. (1) ~~Blind persons-and visually handicapped, and deaf~~ persons are entitled to as full and equal access as other members of the general public to any housing accommodation offered for compensation in this state.

(2) Nothing in this section requires a person renting, leasing, or providing real property for compensation to modify his property in any way or provide a higher degree of care for a blind, ~~person-or-a~~ visually handicapped, ~~or deaf~~ person than for a person who is not so disabled."

Section 4. Section 49-4-214, MCA, is amended to read:

"49-4-214. Right to be accompanied by a guide dog. (1)

1 Every totally or partially blind or deaf person has the
2 right to be accompanied by a guide dog, especially trained
3 for the purpose, in any of the places mentioned in
4 49-4-211(2) without being charged extra for the guide dog.
5 He is liable for any damage done to the premises or
6 facilities by such dog.

7 (2) Every totally or partially blind or deaf person
8 who has a guide dog or who obtains a guide dog is entitled
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14 "49-4-215. Penalty for violating rights. Any person,
15 firm, or corporation or the agent of any person, firm, or
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17 enjoyment of the public facilities enumerated in 49-4-211 or
18 otherwise interferes with the rights of a totally or
19 partially blind, deaf, or otherwise disabled person under
20 49-4-211 is guilty of a misdemeanor."

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or in part by public funds on the same terms and conditions
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disability prevents the performance of the work involved."

Section 2. Section 49-4-211, MCA, is amended to read:

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and the deaf have the same right as the able-bodied to the
full and free use of the streets, highways, sidewalks,
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(2) The blind, ~~and the visually handicapped,~~ and the
deaf are entitled to full and equal accommodations,
advantages, facilities, and privileges of all common
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Section 3. Section 49-4-212, MCA, is amended to read:

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leasing, or providing real property for compensation to
modify his property in any way or provide a higher degree of
care for a ~~blind person or a visually handicapped, or deaf~~
person than for a person who is not so disabled."

Section 4. Section 49-4-214, MCA, is amended to read:

"49-4-214. Right to be accompanied by a guide OR

1 HEARING dog. (1) Every totally or partially blind or deaf
2 person has the right to be accompanied by a guide OR HEARING
3 dog, especially trained for the purpose, in any of the
4 places mentioned in 49-4-211(2) without being charged extra
5 for the guide OR HEARING dog. He is liable for any damage
6 done to the premises or facilities by such dog.

7 (2) Every totally or partially blind or deaf person
8 who has a guide OR HEARING dog or who obtains a guide OR
9 HEARING dog is entitled to full and equal access to all
10 housing accommodations as provided in 49-2-305 and 49-4-212.
11 He may not be required to pay extra compensation for the
12 guide OR HEARING dog but is liable for any damage done to
13 the premises by the guide OR HEARING dog."

14 Section 5. Section 49-4-215, MCA, is amended to read:
15 "49-4-215. Penalty for violating rights. Any person,
16 firm, or corporation or the agent of any person, firm, or
17 corporation who denies or interferes with admittance to or
18 enjoyment of the public facilities enumerated in 49-4-211 or
19 otherwise interferes with the rights of a totally or
20 partially blind, deaf, or otherwise disabled person under
21 49-4-211 is guilty of a misdemeanor."

-End-

March 6, 1981

SENATE STANDING COMMITTEE REPORT
(Public Health, Welfare & Safety)

That House Bill No. 91 be amended as follows:

1. Page 2, line 25.
Following: "guide"
Insert: "or hearing"

2. Page 3, line 2.
Following: "guide"
Insert: "or hearing"

3. Page 3, line 4.
Following: "guide"
Insert: " or hearing"

4. Page 3, line 8.
Following: "guide"
Insert: "or hearing"
Following: "guide"
Insert: "or hearing"

5. Page 3, line 11.
Following: "guide"
Insert: "or hearing"

6. Page 3, line 12.
Following: "guide"
Insert: "or hearing"