

SENATE BILL NO. 112

INTRODUCED BY TVEIT, GALT, SEVERSON, AKLESTAD

IN THE SENATE

January 13, 1981	Introduced and referred to Committee on Judiciary.
February 16, 1981	Committee recommend bill do pass as amended. Report adopted.
February 17, 1981	Bill printed and placed on members' desks.
February 18, 1981	Second reading, do pass.
February 19, 1981	Correctly engrossed.
February 20, 1981	Third reading, passed. Ayes, 43; Noes, 5. Transmitted to House.

IN THE HOUSE

February 21, 1981	Introduced and referred to Committee on Judiciary.
March 10, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 12, 1981	Second reading, concurred in.
March 14, 1981	Third reading, concurred in as amended. Ayes, 83; Noes, 11.

IN THE SENATE

March 16, 1981	Returned from House with amendments.
March 17, 1981	On motion, consideration be passed for the day.

March 18, 1981

Second reading, amendments
concurred in.

March 20, 1981

Third reading, amendments
concurred in. Ayes, 48; Noes, 0.
Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *112*
2 INTRODUCED BY *Trist* *Ball* *Southern* *AKLESTAD*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 49-3-303, MCA, TO REQUIRE EXHAUSTION OF ADMINISTRATIVE
6 REMEDIES BEFORE THE COMMISSION FOR HUMAN RIGHTS PRIOR TO
7 BRINGING SUIT IN DISTRICT COURT FOR ALLEGED UNLAWFUL
8 DISCRIMINATION."
9

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

11 Section 1. Section 49-3-303, MCA, is amended to read:

12 "49-3-303. Remedies for individuals. (1) Any person
13 claiming to be aggrieved by a violation of any provision of
14 this chapter may file a complaint for redress of the
15 violation with the commission for human rights and upon
16 ~~fitting--that--complaint--may--in--addition~~ exhaustion of
17 ~~administrative remedies may~~ petition the district court in
18 the district where the complainant resides or where the
19 alleged violation occurred for appropriate relief. The court
20 may grant such relief, by injunction or otherwise, as it
21 considers appropriate. ~~Commencement--of--the--administrative--~~
22 ~~remedy--does--not--preclude--the--judicial--remedy.~~

23 (2) Actions under this section are original actions."

-End-

INTRODUCED BILL

SB 112

Approved by Committee
on Judiciary

1 SENATE BILL NO. 112
2 INTRODUCED BY TVEIT, GALT, SEVERSON, AKLESTAD
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 49-3-303, MCA, TO REQUIRE EXHAUSTION OF ADMINISTRATIVE
6 REMEDIES BEFORE THE COMMISSION FOR HUMAN RIGHTS PRIOR TO
7 BRINGING SUIT IN DISTRICT COURT FOR ALLEGED UNLAWFUL
8 DISCRIMINATION."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Section 49-3-303, MCA, is amended to read:
12 "49-3-303. Remedies for individuals. (1) Any person
13 claiming to be aggrieved by a violation of any provision of
14 this chapter may SHALL file a complaint for redress of the
15 violation with the commission for human rights and upon
16 ~~filing--that--complaint--may--in--addition,~~ exhaustion of
17 administrative remedies may petition the district court in
18 the district where the complainant resides or where the
19 alleged violation occurred for appropriate relief. AT ANY
20 TIME AFTER RECEIVING A COMPLAINT, THE COMMISSION MAY NOTIFY
21 THE PARTIES THAT IT DECLINES FURTHER JURISDICTION AND
22 THEREUPON THE COMPLAINANT MAY PETITION THE DISTRICT COURT.
23 The court may grant such relief, by injunction or otherwise,
24 as it considers appropriate. ~~Commencement---of---the~~
25 ~~administrative-remedy-does-not-preclude-the-judicial-remedy.~~

1 (2) Actions under this section are original actions."

-End-

SECOND READING

SENATE BILL NO. 112

INTRODUCED BY TWEIT, GALT, SEVERSON, AKLESTAD

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 49-3-303, MCA, TO REQUIRE EXHAUSTION OF ADMINISTRATIVE REMEDIES BEFORE THE COMMISSION FOR HUMAN RIGHTS PRIOR TO BRINGING SUIT IN DISTRICT COURT FOR ALLEGED UNLAWFUL DISCRIMINATION."

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

Section 1. Section 49-3-303, MCA, is amended to read:

"49-3-303. Remedies for individuals. (1) Any person claiming to be aggrieved by a violation of any provision of this chapter may SHALL file a complaint for redress of the violation with the commission for human rights and upon ~~filing--that--complaint--may--in--addition,~~ exhaustion of administrative remedies may petition the district court in the district where the complainant resides or where the alleged violation occurred for appropriate relief. AT ANY TIME AFTER RECEIVING A COMPLAINT, THE COMMISSION MAY NOTIFY THE PARTIES THAT IT DECLINES FURTHER JURISDICTION AND THEREUPON THE COMPLAINANT MAY PETITION THE DISTRICT COURT. The court may grant such relief, by injunction or otherwise, as it considers appropriate. ~~Commencement---of---the administrative-remedy-does-not-preclude-the-judicial-remedy.~~

(2) Actions under this section are original actions."

-End-

SENATE BILL NO. 112

INTRODUCED BY TVEIT, GALT, SEVERSON, AKLESTAD

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 49-3-303, MCA, TO REQUIRE ALLOW EXHAUSTION OF ADMINISTRATIVE REMEDIES BEFORE THE COMMISSION FOR HUMAN RIGHTS PRIOR-TO OR THE BRINGING OF SUIT IN DISTRICT COURT FOR ALLEGED UNLAWFUL DISCRIMINATION BUT NOT BOTH SIMULTANEOUSLY."

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

Section 1. Section 49-3-303, MCA, is amended to read:

"49-3-303. Remedies for individuals. (1) Any person claiming to be aggrieved by a violation of any provision of this chapter may ~~SHALL~~ MAY file a complaint for redress of the violation with the commission for human rights and upon ~~filing--that--complaint--may--in--addition~~ exhaustion of administrative remedies may petition the district court in the district where the complainant resides or where the alleged violation occurred for appropriate relief. ~~AT ANY TIME AFTER RECEIVING A COMPLAINT, THE COMMISSION MAY NOTIFY THE PARTIES THAT IT DECLINES FURTHER JURISDICTION AND THEREUPON THE COMPLAINANT MAY PETITION THE DISTRICT COURT.~~ The court may grant such relief, by injunction or otherwise, as it considers appropriate. ~~Commencement--of--the administrative-remedy--does--not--preclude--the-judicial-remedy.~~

(2) THE COMPLAINANT MAY PURSUE A COMPLAINT IN DISTRICT COURT WITHOUT FILING A COMPLAINT BEFORE THE HUMAN RIGHTS COMMISSION BUT MAY NOT THEN PURSUE THE COMPLAINT BEFORE THE COMMISSION.

(2)(3) Actions under this section are original actions."

-End-

HOUSE AMENDMENTS TO SENATE BILL NO. 112

JUDICIARY COMMITTEE

1. Title, line 5.

Following: "TO"

~~Strike~~ "REQUIRE"

Insert: "ALLOW"

2. Title, line 6.

Following: "RIGHTS"

Strike: "PRIOR TO"

Insert: "OR THE"

3. Title, line 7.

Following: "BRINGING"

Insert: "OF"

4. Title, line 8.

Following: "DISCRIMINATION"

Insert: "BUT NOT BOTH SIMULTANEOUSLY"

5. Page 1, line 14.

Following: "~~may~~"

Strike: "SHALL"

Insert: "may"

6. Page 1, lines 19 through 22.

Following: "." on line 19

Strike: remainder of line 19 through end of line 22.

7. Page 1.

Following: line 25

Insert: "(2) The complainant may pursue a complaint in district court without filing a complaint before the human rights commission but may not then pursue the complaint before the commission."

Renumber: subsequent subsection