

HOUSE BILL NO. 501

INTRODUCED BY FARRIS, CHRISTIAENS, ECK, BERG, MOHAR,
DARKO, R. MANNING, DRISCOLL, BACHINI, HOWE

BY REQUEST OF THE HUMAN RIGHTS COMMISSION

IN THE HOUSE

January 25, 1983	Introduced and referred to Committee on Judiciary.
February 12, 1983	Committee recommend bill do pass as amended. Report adopted.
February 14, 1983	Bill printed and placed on members' desks.
February 15, 1983	Second reading, do pass.
February 16, 1983	Considered correctly engrossed.
February 17, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 18, 1983	Introduced and referred to Committee on Judiciary.
March 15, 1983	Committee recommend bill be concurrent in. Report adopted.
March 17, 1983	Second reading, concurrent in.
March 19, 1983	Third reading, concurrent in. Ayes, 47; Noes, 2.

IN THE HOUSE

March 19, 1983	Returned to House.
March 21, 1983	Sent to enrolling. Reported correctly enrolled.

1 House BILL NO. 501
 2 INTRODUCED BY Carol Harris Christina Ed Berg
 3 Mo Richard Manning David Beckner
 4 Archie BY REQUEST OF THE HUMAN RIGHTS COMMISSION Howe

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 6 49-2-303, MCA, TO ALLOW AN EXCEPTION TO THE PROHIBITION
 7 AGAINST EMPLOYMENT DISCRIMINATION ON THE BASIS OF MARITAL
 8 STATUS IN CERTAIN CIRCUMSTANCES."

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

11 Section 1. Section 49-2-303, MCA, is amended to read:

12 "49-2-303. Discrimination in employment. (1) It is an
 13 unlawful discriminatory practice for:

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

23 (b) a labor organization or joint labor management
 24 committee controlling apprenticeship to exclude or expel any
 25 person from its membership or from an apprenticeship or

1 training program or to discriminate in any way against a
 2 member of or an applicant to the labor organization or an
 3 employer or employee because of race, ~~marital status~~, creed,
 4 religion, color, or national origin or because of his age,
 5 physical or mental handicap, ~~marital status~~, or sex when the
 6 reasonable demands of the program do not require an age,
 7 physical or mental handicap, ~~marital status~~, or sex
 8 distinction;

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

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

24 (2) The exceptions permitted in subsection (1) based
 25 on bona fide occupational qualifications shall be strictly

1 construed."

-End-

Approved by Committee
on Judiciary

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A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND ~~SECTION~~
~~SECTIONS~~ 49-2-303 ~~AND 49-3-103~~, MCA, TO ALLOW AN EXCEPTION
TO THE PROHIBITION AGAINST EMPLOYMENT DISCRIMINATION ON THE
BASIS OF MARITAL STATUS IN CERTAIN CIRCUMSTANCES."

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committee controlling apprenticeship to exclude or expel any

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for employment, to classify, or otherwise to discriminate
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or national origin, unless based upon a bona fide
occupational qualification.

(2) The exceptions permitted in subsection (1) based

1 on bona fide occupational qualifications shall be strictly
2 construed."

3 ~~SECTION 2. SECTION 49-3-103, MCA, IS AMENDED TO READ:~~

4 "49-3-103. Permitted distinctions. Nothing in this
5 chapter shall prohibit any public or private employer:

6 (1) from enforcing a differentiation based on marital
7 status, age, or physical or mental handicap when based on a
8 bona fide occupational qualification reasonably necessary to
9 the normal operation of the particular business or where the
10 differentiation is based on reasonable factors other than
11 age;

12 (2) from observing the terms of a bona fide seniority
13 system or any bona fide employee benefit plan such as a
14 retirement, pension, or insurance plan which is not a
15 subterfuge to evade the purposes of this chapter, except
16 that no such employee benefit plan shall excuse the failure
17 to hire any individual; or

18 (3) from discharging or otherwise disciplining an
19 individual for good cause."

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(b) a labor organization or joint labor management
committee controlling apprenticeship to exclude or expel any

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