

HOUSE BILL NO. 660

INTRODUCED BY HANSEN, CHRISTIAENS

BY REQUEST OF THE COMMISSION FOR HUMAN RIGHTS

IN THE HOUSE

February 5, 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 14, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 16, 1983	Second reading, concurred in.
March 18, 1983	Third reading, concurred in. Ayes, 49; Noes, 0.

IN THE HOUSE

March 18, 1983

Returned to House with
amendments.

March 31, 1983

Second reading, amendments
concurred in.

April 1, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *660*
2 INTRODUCED BY *Hellen J. Hanna, Christa Saxe*
3 BY REQUEST OF THE COMMISSION FOR HUMAN RIGHTS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A
6 PROCEDURE BY WHICH AN INDIVIDUAL ALLEGING A VIOLATION OF THE
7 HUMAN RIGHTS ACT MAY ELECT TO PURSUE A COMPLAINT BEFORE THE
8 COMMISSION IN DISTRICT COURT; AND PROVIDING AN IMMEDIATE
9 EFFECTIVE DATE."
10

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

12 Section 1. Filing a complaint in district court. (1)
13 The commission staff shall, at the request of the
14 complainant, issue a letter entitling the complainant to
15 file a discrimination action in district court if:

16 (a) the commission has not yet held a contested case
17 hearing pursuant to 49-2-505; and

18 (b) one of the following has occurred:

19 (i) 180 days have elapsed since the date the complaint
20 was filed under 49-2-501; or

21 (ii) the commission staff determines that its efforts
22 to informally investigate and settle the complaint pursuant
23 to 49-2-504 are unsuccessful.

24 (2) Within 90 days after receipt of a letter issued by
25 the commission pursuant to subsection (1), a complainant may

1 petition the district court in the district in which the
2 alleged violation occurred for appropriate relief.

3 (3) If the district court finds, in an action under
4 this section, that a person, institution, entity, or agency
5 against whom or which a complaint was filed has engaged in
6 the unlawful discriminatory practice alleged in the
7 complaint, the court may provide the same relief as
8 described in 49-2-506 for a commission order. In addition,
9 the court may in its discretion allow the prevailing party
10 reasonable attorney fees.

11 Section 2. Codification instruction. Section 1 is
12 intended to be codified as an integral part of Title 49,
13 chapter 2, part 5, and the provisions of Title 49, chapter
14 2, apply to section 1.

15 Section 3. Effective date. This act is effective on
16 passage and approval.

-End-

Approved by Committee
on Judiciary

HOUSE BILL NO. 660

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BY REQUEST OF THE COMMISSION FOR HUMAN RIGHTS

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A
PROCEDURE BY WHICH AN INDIVIDUAL ALLEGING A VIOLATION OF THE
HUMAN RIGHTS ACT MAY ELECT TO PURSUE A COMPLAINT BEFORE THE
COMMISSION OR IN DISTRICT COURT; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE."

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

Section 1. Filing a complaint in district court. (1)
The commission staff shall, at the request of the
complainant, issue a letter entitling the complainant to
file a discrimination action in district court if:

(a) the commission has not yet held a contested case
hearing pursuant to 49-2-505; and

(b) one of the following has occurred:

(i) 180 days have elapsed since the date the complaint
was filed under 49-2-501; or

(ii) the commission staff determines that its efforts
to informally investigate and settle the complaint pursuant
to 49-2-504 are unsuccessful.

(2) Within 90 days after receipt of a letter issued by
the commission pursuant to subsection (1), a complainant may

petition the district court in the district in which the
alleged violation occurred for appropriate relief.

(3) If the district court finds, in an action under
this section, that a person, institution, entity, or agency
against whom or which a complaint was filed has engaged in
the unlawful discriminatory practice alleged in the
complaint, the court may provide the same relief as
described in 49-2-506 for a commission order. In addition,
the court may in its discretion allow the prevailing party
reasonable attorney fees.

Section 2. Codification instruction. Section 1 is
intended to be codified as an integral part of Title 49,
chapter 2, part 5, and the provisions of Title 49, chapter
2, apply to section 1.

Section 3. Effective date. This act is effective on
passage and approval.

-End-

SECOND READING

HOUSE BILL NO. 660

INTRODUCED BY HANSEN, CHRISTIAENS

BY REQUEST OF THE COMMISSION FOR HUMAN RIGHTS

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PROCEDURE BY WHICH AN INDIVIDUAL ALLEGING A VIOLATION OF THE HUMAN RIGHTS ACT MAY ELECT TO PURSUE A COMPLAINT BEFORE THE COMMISSION OR IN DISTRICT COURT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Filing a complaint in district court. (1)

The commission staff shall, at the request of the complainant, issue a letter entitling the complainant to file a discrimination action in district court if:

(a) the commission has not yet held a contested case hearing pursuant to 49-2-505; and

(b) one of the following has occurred:

(i) 180 days have elapsed since the date the complaint was filed under 49-2-501; or

(ii) the commission staff determines that its efforts to informally investigate and settle the complaint pursuant to 49-2-504 are unsuccessful.

(2) Within 90 days after receipt of a letter issued by the commission pursuant to subsection (1), a complainant may

petition the district court in the district in which the alleged violation occurred for appropriate relief.

(3) If the district court finds, in an action under this section, that a person, institution, entity, or agency against whom or which a complaint was filed has engaged in the unlawful discriminatory practice alleged in the complaint, the court may provide the same relief as described in 49-2-506 for a commission order. In addition, the court may in its discretion allow the prevailing party reasonable attorney fees.

Section 2. Codification instruction. Section 1 is intended to be codified as an integral part of Title 49, chapter 2, part 5, and the provisions of Title 49, chapter 2, apply to section 1.

Section 3. Effective date. This act is effective on passage and approval.

-End-

THIRD READING

March 14, 1983

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 660 be amended as follows:

1. Title, line 8.
Following: "COURT"
Insert: "AND BY WHICH A PERSON AGAINST WHOM A COMPLAINT WAS FILED
MAY ELECT TO HAVE THE MATTER REMOVED TO DISTRICT COURT"
2. Page 1, lines 13-14.
Following: "of"
Strike: "the complainant,"
Insert: "either party,"
3. Page 1, Lines 17-23.
Following: "49-2-505"
Strike: remainder of lines 17-23 in their entirety
Insert: "and has determined that it will be unable to hold a contested
case hearing within 12 months of the date the complaint was filed under
49-2-501; and
(b) 180 days have elapsed since the complaint was filed and
the efforts of the commission staff to settle the complaint after informal
investigation pursuant to 49-2-504 have been unsuccessful."
4. Page 1, line 25.
Following: "(1),"
Strike: "a"
Insert: "the"
Following: "complainant"
Strike: "may"
Insert: "shall"
5. Page 2, line 2.
Following: "relief."
Insert: "If the claimant fails to petition the District Court within
90 days after receipt of a letter issued by the Commission, the claim
shall be barred."

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A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PROCEDURE BY WHICH AN INDIVIDUAL ALLEGING A VIOLATION OF THE HUMAN RIGHTS ACT MAY ELECT TO PURSUE A COMPLAINT BEFORE THE COMMISSION OR IN DISTRICT COURT AND BY WHICH A PERSON AGAINST WHOM A COMPLAINT WAS FILED MAY ELECT TO HAVE THE MATTER REMOVED TO DISTRICT COURT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Filing a complaint in district court. (1) The commission staff shall, at the request of the complainant EITHER PARTY, issue a letter entitling the complainant to file a discrimination action in district court if:

(a) the commission has not yet held a contested case hearing pursuant to 49-2-505; and

(b) ~~one of the following has occurred:~~
~~(i) 180 days have elapsed since the date the complaint was filed under 49-2-501; or~~

~~(ii) the commission staff determines that its efforts to informally investigate and settle the complaint pursuant~~

~~to 49-2-504 are unsuccessful AND HAS DETERMINED THAT IT WILL BE UNABLE TO HOLD A CONTESTED CASE HEARING WITHIN 12 MONTHS OF THE DATE THE COMPLAINT WAS FILED UNDER 49-2-501; AND~~

~~(B) 180 DAYS HAVE ELAPSED SINCE THE COMPLAINT WAS FILED AND THE EFFORTS OF THE COMMISSION STAFF TO SETTLE THE COMPLAINT AFTER INFORMAL INVESTIGATION PURSUANT TO 49-2-504 HAVE BEEN UNSUCCESSFUL.~~

(2) Within 90 days after receipt of a letter issued by the commission pursuant to subsection (1), a ~~THE~~ complainant may ~~SHALL~~ petition the district court in the district in which the alleged violation occurred for appropriate relief. ~~IF THE CLAIMANT FAILS TO PETITION THE DISTRICT COURT WITHIN 90 DAYS AFTER RECEIPT OF A LETTER ISSUED BY THE COMMISSION, THE CLAIM SHALL BE BARRED.~~

(3) If the district court finds, in an action under this section, that a person, institution, entity, or agency against whom or which a complaint was filed has engaged in the unlawful discriminatory practice alleged in the complaint, the court may provide the same relief as described in 49-2-506 for a commission order. In addition, the court may in its discretion allow the prevailing party reasonable attorney fees.

Section 2. Codification instruction. Section 1 is intended to be codified as an integral part of Title 49,

1 chapter 2, part 5, and the provisions of Title 49, chapter
2 2, apply to section 1.
3 Section 3. Effective date. This act is effective on
4 passage and approval.

-End-