

HOUSE BILL NO. 393

INTRODUCED BY LORY

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE HOUSE

JANUARY 22, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

FEBRUARY 18, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 19, 1987                   PRINTING REPORT.

FEBRUARY 20, 1987                   SECOND READING, DO PASS AS AMENDED.

FEBRUARY 21, 1987                   ENGROSSING REPORT.

FEBRUARY 23, 1987                   THIRD READING, PASSED.  
AYES, 94; NOES, 4.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

MARCH 23, 1987                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 28, 1987                   SECOND READING, CONCURRED IN.

MARCH 30, 1987                   THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 1.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1987                   RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 8, 1987

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 393  
 2 INTRODUCED BY Joy  
 3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE PROCEDURES  
 6 FOR REMOVAL OF HUMAN RIGHTS COMMISSION CASES TO DISTRICT  
 7 COURT; AMENDING SECTIONS 49-2-509 AND 49-3-312, MCA; AND  
 8 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY  
 9 DATE."

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

12 Section 1. Section 49-2-509, MCA, is amended to read:  
 13 "49-2-509. Filing a complaint in district court. (1)  
 14 The Except as provided in subsection (2), the commission  
 15 staff shall, at the request of either party, issue a letter  
 16 entitling the complainant to file a discrimination action in  
 17 district court if:

18 (a) the commission has not yet held a contested case  
 19 hearing pursuant to 49-2-505 ~~and has determined that it will~~  
 20 ~~be unable to hold a contested case hearing within 12 months~~  
 21 ~~of the date the complaint was filed under 49-2-501;~~ and

22 (b) ~~180--days~~ 12 months have elapsed since the  
 23 complaint was filed and the efforts of the commission staff  
 24 to settle the complaint after informal investigation  
 25 pursuant to 49-2-504 have been unsuccessful.



1 (2) The commission staff may refuse to permit removal  
 2 of a case to district court if:

3 (a) the party requesting removal fails to cooperate in  
 4 the investigative process;

5 (b) the party requesting removal has waived the right  
 6 to request removal to the district court;

7 (c) more than 30 days have elapsed since service of  
 8 notice of hearing under 49-2-505;

9 (d) the case or an issue in the case is a matter of  
 10 first impression before the commission; or

11 (e) the commission staff determines that the  
 12 allegations of the complaint are supported by substantial  
 13 evidence and the complainant is not represented by counsel.

14 (3) The commission staff may dismiss a complaint filed  
 15 under 49-2-501 and allow the complainant to file a  
 16 discrimination action in district court if:

17 (a) the commission staff determines that the  
 18 commission lacks jurisdiction over the complaint;

19 (b) the complainant fails to cooperate in the staff's  
 20 investigation of the complaint or fails to keep the  
 21 commission advised of changes of address; or

22 (c) the commission staff determines that the  
 23 allegations of the complaint are not supported by  
 24 substantial evidence.

25 (4) A decision of the commission staff to dismiss a

1 complaint or to refuse to permit removal to the district  
 2 court is final unless a party seeks review by filing  
 3 objections within 14 days after the decision is served on  
 4 him. The commission shall review the decision in informal  
 5 proceedings under 2-4-604, except that 2-4-604(5) applies  
 6 only to review of a refusal to permit removal.

7 {2}(5) Within 90 days after receipt of a notice of  
 8 dismissal under subsection (3) or an order under subsection  
 9 (4) of affirmance of a dismissal, whichever occurs later, or  
 10 of a letter issued by--the--commission--pursuant--to under  
 11 subsection (1), the complainant shall may petition the  
 12 district court in the district in which the alleged  
 13 violation occurred for appropriate relief. If the claimant  
 14 fails to petition the district court within 90 days after  
 15 receipt of a the letter, notice, or order issued by the  
 16 commission staff, the claim shall be barred.

17 {3}(6) If the district court finds, in an action under  
 18 this section, that a person, institution, entity, or agency  
 19 against whom or which a complaint was filed has engaged in  
 20 the unlawful discriminatory practice alleged in the  
 21 complaint, the court may provide the same relief as  
 22 described in 49-2-506 for a commission order. In addition,  
 23 the court may in its discretion allow the prevailing party  
 24 reasonable attorney fees."

25 Section 2. Section 49-3-312, MCA, is amended to read:

1 "49-3-312. Filing a complaint in district court. (1)  
 2 The Except as provided in subsection (2), the commission  
 3 staff shall, at the request of either party, issue a letter  
 4 entitling the complainant to file a discrimination action in  
 5 district court if:

6 (a) the commission has not yet held a contested case  
 7 hearing pursuant to 49-3-308 and has determined that it will  
 8 be--unable-to-hold-a-contested-case-hearing-within-12-months  
 9 of-the-date-the-complaint-was-filed-under-49-3-304; and

10 (b) 180--days 12 months have elapsed since the  
 11 complaint was filed and the efforts of the commission staff  
 12 to settle the complaint after informal investigation  
 13 pursuant to 49-3-307 are unsuccessful.

14 (2) The commission staff may refuse to permit removal  
 15 of a case to district court if:

16 (a) the party requesting removal fails to cooperate in  
 17 the investigative process;

18 (b) the party requesting removal has waived the right  
 19 to request removal to the district court;

20 (c) more than 30 days have elapsed since service of  
 21 notice of hearing under 49-3-308;

22 (d) the case or an issue in the case is a matter of  
 23 first impression before the commission; or

24 (e) the commission staff determines that the  
 25 allegations of the complaint are supported by substantial

1 evidence and the complainant is not represented by counsel.

2 (3) The commission staff may dismiss a complaint filed  
3 under 49-3-304 and allow the complainant to file a  
4 discrimination action in district court if:

5 (a) the commission staff determines that the  
6 commission lacks jurisdiction over the complaint;

7 (b) the complainant fails to cooperate in the staff's  
8 investigation of the complaint or fails to keep the  
9 commission advised of changes of address; or

10 (c) the commission staff determines that the  
11 allegations of the complaint are not supported by  
12 substantial evidence.

13 (4) A decision of the commission staff to dismiss a  
14 complaint or to refuse to permit removal to the district  
15 court is final unless a party seeks review by filing  
16 objections within 14 days after the decision is served on  
17 him. The commission shall review the decision in informal  
18 proceedings under 2-4-604, except that 2-4-604(5) applies  
19 only to review of a refusal to permit removal.

20 (2)(5) Within 90 days after receipt of a notice of  
21 dismissal under subsection (3) or an order under subsection  
22 (4) of affirmance of a dismissal, whichever occurs later, or  
23 of a letter issued by the commission pursuant to under  
24 subsection (1), the complainant shall may petition the  
25 district court in the district in which the alleged

1 violation occurred for appropriate relief. If the claimant  
2 fails to petition the district court within 90 days after  
3 receipt of a the letter, notice, or order issued by the  
4 commission staff, the complaint shall be barred.

5 (3)(6) If the district court finds, in an action under  
6 this section, that a state or local governmental agency  
7 against whom or which a complaint was filed has engaged in  
8 the unlawful discriminatory practice alleged in the  
9 complaint, the court may provide the same relief as  
10 described in 49-3-309 for a commission order. In addition,  
11 the court may in its discretion allow the prevailing party  
12 reasonable attorney fees."

13 NEW SECTION. Section 3. Extension of authority. Any  
14 existing authority of the commission for human rights to  
15 make rules on the subject of the provisions of this act is  
16 extended to the provisions of this act.

17 NEW SECTION. Section 4. Effective date --  
18 applicability. (1) This act is effective on passage and  
19 approval.

20 (2) This act applies to cases pending before the  
21 commission for human rights on the effective date of this  
22 act and to cases filed with the commission for human rights  
23 on or after the effective date of this act.

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

HOUSE BILL NO. 393

INTRODUCED BY LORY

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE PROCEDURES FOR REMOVAL OF HUMAN RIGHTS COMMISSION CASES TO DISTRICT COURT; AMENDING SECTIONS 49-2-509 AND 49-3-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 49-2-509, MCA, is amended to read:

"49-2-509. Filing a complaint in district court. (1)

~~The~~ Except as provided in subsection (2), the commission staff shall, at the request of 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 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) ~~100-~~days 12 months 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) The commission staff may refuse to permit removal of a case to district court if:

(a) the party requesting removal fails to cooperate COMPLY WITH A LAWFUL SUBPOENA ISSUED in the investigative process;

(b) the party requesting removal has waived the right to request removal to the district court; OR

(c) more than 30 days have elapsed since service of notice of hearing under 49-2-505~~7~~, UNLESS THE COMMISSION FAILS TO SCHEDULE A HEARING TO BE HELD WITHIN 90 DAYS OF SERVICE OF NOTICE OF HEARING.

~~(d) the case or an issue in the case is a matter of first impression before the commission; or~~

~~(e) the commission staff determines that the allegations of the complaint are supported by substantial evidence and the complainant is not represented by counsel;~~

(3) The commission staff may dismiss a complaint filed under 49-2-501 and allow the complainant to file a discrimination action in district court if:

(a) the commission staff determines that the commission lacks jurisdiction over the complaint;

(b) the complainant fails to cooperate in the staff's investigation of the complaint or fails to keep the commission advised of changes of address; or

(c) the commission staff determines that the



1 allegations of the complaint are not supported by  
 2 substantial evidence.

3 (4) A decision of the commission staff to dismiss a  
 4 complaint or to refuse to permit removal to the district  
 5 court is final unless a party seeks review by filing  
 6 objections within 14 days after the decision is served on  
 7 him. The commission shall review the decision in informal  
 8 proceedings under 2-4-604, except that 2-4-604(5) applies  
 9 only to review of a refusal to permit removal.

10 {2}{5} Within 90 days after receipt of a notice of  
 11 dismissal under subsection (3) or an order under subsection  
 12 (4) of affirmance of a dismissal, whichever occurs later, or  
 13 of a letter issued by--the--commission--pursuant--to under  
 14 subsection (1), the complainant shall may petition the  
 15 district court in the district in which the alleged  
 16 violation occurred for appropriate relief. If the claimant  
 17 fails to petition the district court within 90 days after  
 18 receipt of a the letter, notice, or order issued by the  
 19 commission staff, the claim shall be barred.

20 {3}{6} If the district court finds, in an action under  
 21 this section, that a person, institution, entity, or agency  
 22 against whom or which a complaint was filed has engaged in  
 23 the unlawful discriminatory practice alleged in the  
 24 complaint, the court may provide the same relief as  
 25 described in 49-2-506 for a commission order. In addition,

1 the court may in its discretion allow the prevailing party  
 2 reasonable attorney fees."

3 Section 2. Section 49-3-312, MCA, is amended to read:  
 4 "49-3-312. Filing a complaint in district court. (1)  
 5 ~~The~~ Except as provided in subsection (2), the commission  
 6 staff shall, at the request of either party, issue a letter  
 7 entitling the complainant to file a discrimination action in  
 8 district court if:

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 10 hearing pursuant to 49-3-308 ~~and has determined that it will~~  
 11 ~~be unable to hold a contested case hearing within 12 months~~  
 12 ~~of the date the complaint was filed under 49-3-304; and~~

13 (b) ~~100~~ 12 months have elapsed since the  
 14 complaint was filed ~~and the efforts of the commission staff~~  
 15 ~~to settle the complaint after informal investigation~~  
 16 ~~pursuant to 49-3-307 are unsuccessful.~~

17 (2) The commission staff may refuse to permit removal  
 18 of a case to district court if:

19 (a) the party requesting removal fails to cooperate  
 20 COMPLY WITH A LAWFUL SUBPOENA ISSUED in the investigative  
 21 process;

22 (b) the party requesting removal has waived the right  
 23 to request removal to the district court; OR

24 (c) more than 30 days have elapsed since service of  
 25 notice of hearing under 49-3-308, UNLESS THE COMMISSION

1 FAILS TO SCHEDULE A HEARING TO BE HELD WITHIN 90 DAYS OF  
2 SERVICE OF NOTICE OF HEARING.

3 ~~(d) the case or an issue in the case is a matter of~~  
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9 under 49-3-304 and allow the complainant to file a  
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1 ~~(2)(5)~~ Within 90 days after receipt of a notice of  
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7 violation occurred for appropriate relief. If the claimant  
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10 commission staff, the complaint shall be barred.

11 ~~(3)(6)~~ If the district court finds, in an action under  
12 this section, that a state or local governmental agency  
13 against whom or which a complaint was filed has engaged in  
14 the unlawful discriminatory practice alleged in the  
15 complaint, the court may provide the same relief as  
16 described in 49-3-309 for a commission order. In addition,  
17 the court may in its discretion allow the prevailing party  
18 reasonable attorney fees."

19 NEW SECTION. Section 3. Extension of authority. Any  
20 existing authority of the commission for human rights to  
21 make rules on the subject of the provisions of this act is  
22 extended to the provisions of this act.

23 NEW SECTION. Section 4. Effective date --  
24 applicability. (1) This act is effective on passage and  
25 approval.



1           (2) This act applies to cases pending before the  
2 commission for human rights on the effective date of this  
3 act and to cases filed with the commission for human rights  
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22 (b) ~~180 days~~ 12 months have elapsed since the  
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24 ~~to settle the complaint after informal investigation~~  
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1 (2) The commission staff may refuse to permit removal  
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5 investigative process;

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7 to request removal to the district court; OR

8 (c) more than 30 days have elapsed since service of  
9 notice of hearing under 49-2-505; UNLESS THE COMMISSION  
10 FAILS TO SCHEDULE A HEARING TO BE HELD WITHIN 90 DAYS OF  
11 SERVICE OF NOTICE OF HEARING; OR

12 (D) THE PARTY REQUESTING REMOVAL HAS UNSUCCESSFULLY  
13 ATTEMPTED THROUGH COURT LITIGATION TO PREVENT THE COMMISSION  
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 18 this section, that a state or local governmental agency  
 19 against whom or which a complaint was filed has engaged in  
 20 the unlawful discriminatory practice alleged in the  
 21 complaint, the court may provide the same relief as  
 22 described in 49-3-309 for a commission order. In addition,  
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 25 NEW SECTION. Section 3. Extension of authority. Any

1 existing authority of the commission for human rights to  
2 make rules on the subject of the provisions of this act is  
3 extended to the provisions of this act.

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5 applicability. (1) This act is effective on passage and  
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7 (2) This act applies to cases pending before the  
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-End-

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BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE PROCEDURES FOR REMOVAL OF HUMAN RIGHTS COMMISSION CASES TO DISTRICT COURT; TO CLARIFY THE EXCLUSIVE NATURE OF REMEDIES AVAILABLE FOR DISCRIMINATION; AMENDING SECTIONS 49-2-509 AND 49-3-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

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The Except as provided in subsection (2), the commission staff shall, at the request of 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 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~~ 12 months 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) The commission staff may refuse to permit removal of a case to district court if:

(a) the party requesting removal fails to cooperate with the terms of a lawful subpoena issued in the investigative process;

(b) the party requesting removal has waived the right to request removal to the district court; OR

(c) more than 30 days have elapsed since service of notice of hearing under 49-2-505, UNLESS THE COMMISSION FAILS TO SCHEDULE A HEARING TO BE HELD WITHIN 90 DAYS OF SERVICE OF NOTICE OF HEARING; OR

(D) THE PARTY REQUESTING REMOVAL HAS UNSUCCESSFULLY ATTEMPTED THROUGH COURT LITIGATION TO PREVENT THE COMMISSION STAFF FROM INVESTIGATING THE COMPLAINT.

~~(d) the case or an issue in the case is a matter of first impression before the commission; or~~

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 17 of a letter issued by--the--commission--pursuant--to under  
 18 subsection (1), the complainant shall may petition the  
 19 district court in the district in which the alleged  
 20 violation occurred for appropriate relief. If the claimant  
 21 fails to petition the district court within 90 days after  
 22 receipt of a the letter, notice, or order issued by the  
 23 commission staff, the claim shall be barred.

24 {3}(6) If the district court finds, in an action under  
 25 this section, that a person, institution, entity, or agency

1 against whom or which a complaint was filed has engaged in  
 2 the unlawful discriminatory practice alleged in the  
 3 complaint, the court may provide the same relief as  
 4 described in 49-2-506 for a commission order. In addition,  
 5 the court may in its discretion allow the prevailing party  
 6 reasonable attorney fees.

7 (7) THE PROVISIONS OF THIS CHAPTER ESTABLISH THE  
 8 EXCLUSIVE REMEDY FOR ACTS CONSTITUTING AN ALLEGED VIOLATION  
 9 OF THIS CHAPTER, INCLUDING ACTS THAT MAY OTHERWISE ALSO  
 10 CONSTITUTE A VIOLATION OF THE DISCRIMINATION PROVISIONS OF  
 11 ARTICLE II, SECTION 4, OF THE MONTANA CONSTITUTION OR  
 12 49-1-102. NO OTHER CLAIM OR REQUEST FOR RELIEF BASED UPON  
 13 SUCH ACTS MAY BE ENTERTAINED BY A DISTRICT COURT OTHER THAN  
 14 BY THE PROCEDURES SPECIFIED IN THIS CHAPTER."

15 Section 2. Section 49-3-312, MCA, is amended to read:  
 16 "49-3-312. Filing a complaint in district court. (1)  
 17 The Except as provided in subsection (2), the commission  
 18 staff shall, at the request of either party, issue a letter  
 19 entitling the complainant to file a discrimination action in  
 20 district court if:

21 (a) ~~the commission has not yet held a contested case~~  
 22 ~~hearing pursuant to 49-3-308 and has determined that it will~~  
 23 ~~be unable to hold a contested case hearing within 12 months~~  
 24 ~~of the date the complaint was filed under 49-3-304; and~~

25 (b) ~~100~~ 12 ~~days~~ months have elapsed since the

1 complaint was filed ~~and the efforts of the commission staff~~  
2 ~~to settle the complaint after informal investigation~~  
3 ~~pursuant to 49-3-307 are unsuccessful.~~

4 (2) The commission staff may refuse to permit removal  
5 of a case to district court if:

6 (a) the party requesting removal fails to cooperate  
7 COMPLY WITH THE TERMS OF A LAWFUL SUBPOENA ISSUED in the  
8 investigative process;

9 (b) the party requesting removal has waived the right  
10 to request removal to the district court; OR

11 (c) more than 30 days have elapsed since service of  
12 notice of hearing under 49-3-308, UNLESS THE COMMISSION  
13 FAILS TO SCHEDULE A HEARING TO BE HELD WITHIN 90 DAYS OF  
14 SERVICE OF NOTICE OF HEARING; OR

15 (D) THE PARTY REQUESTING REMOVAL HAS UNSUCCESSFULLY  
16 ATTEMPTED THROUGH COURT LITIGATION TO PREVENT THE COMMISSION  
17 STAFF FROM INVESTIGATING THE COMPLAINT.

18 ~~(d) the case or an issue in the case is a matter of~~  
19 ~~first impression before the commission; or~~

20 ~~(e) the commission staff determines that the~~  
21 ~~allegations of the complaint are supported by substantial~~  
22 ~~evidence and the complainant is not represented by counsel;~~

23 (3) The commission staff may dismiss a complaint filed  
24 under 49-3-304 and allow the complainant to file a  
25 discrimination action in district court if:

1 (a) the commission staff determines that the  
2 commission lacks jurisdiction over the complaint;

3 (b) the complainant fails to cooperate in the staff's  
4 investigation of the complaint or fails to keep the  
5 commission advised of changes of address; or

6 (c) the commission staff determines that the  
7 allegations of the complaint are not supported by  
8 substantial evidence.

9 (4) A decision of the commission staff to dismiss a  
10 complaint or to refuse to permit removal to the district  
11 court is final unless a party seeks review by filing  
12 objections within 14 days after the decision is served on  
13 him. The commission shall review the decision in informal  
14 proceedings under 2-4-604, except that 2-4-604(5) applies  
15 only to review of a refusal to permit removal.

16 (2)(5) Within 90 days after receipt of a notice of  
17 dismissal under subsection (3) or an order under subsection  
18 (4) of affirmance of a dismissal, whichever occurs later, or  
19 of a letter issued by the commission pursuant to  
20 subsection (1), the complainant shall may petition the  
21 district court in the district in which the alleged  
22 violation occurred for appropriate relief. If the claimant  
23 fails to petition the district court within 90 days after  
24 receipt of a the letter, notice, or order issued by the  
25 commission staff, the complaint shall be barred.



1        ~~(3)~~(6) If the district court finds, in an action under  
 2 this section, that a state or local governmental agency  
 3 against whom or which a complaint was filed has engaged in  
 4 the unlawful discriminatory practice alleged in the  
 5 complaint, the court may provide the same relief as  
 6 described in 49-3-309 for a commission order. In addition,  
 7 the court may in its discretion allow the prevailing party  
 8 reasonable attorney fees.

9        (7) THE PROVISIONS OF THIS CHAPTER ESTABLISH THE  
 10 EXCLUSIVE REMEDY FOR ACTS CONSTITUTING AN ALLEGED VIOLATION  
 11 OF THIS CHAPTER, INCLUDING ACTS THAT MAY OTHERWISE ALSO  
 12 CONSTITUTE A VIOLATION OF THE DISCRIMINATION PROVISIONS OF  
 13 ARTICLE II, SECTION 4, OF THE MONTANA CONSTITUTION OR  
 14 49-1-102. NO OTHER CLAIM OR REQUEST FOR RELIEF BASED UPON  
 15 SUCH ACTS MAY BE ENTERTAINED BY A DISTRICT COURT OTHER THAN  
 16 BY THE PROCEDURES SPECIFIED IN THIS CHAPTER."

17        NEW SECTION. Section 3. Extension of authority. Any  
 18 existing authority of the commission for human rights to  
 19 make rules on the subject of the provisions of this act is  
 20 extended to the provisions of this act.

21        NEW SECTION. Section 4. Effective date --  
 22 applicability. (1) This act is effective on passage and  
 23 approval.

24        (2) This act applies to cases pending before the  
 25 commission for human rights on the effective date of this

1 act and to cases filed with the commission for human rights  
 2 on or after the effective date of this act.

-End-

STANDING COMMITTEE REPORT

March 23 19 87

MR. PRESIDENT

SENATE JUDICIARY

We, your committee on

having had under consideration HOUSE BILL No. 393

Third reading copy (blue color)

Revise procedure for removing human rights case to district court. Lory (Bishop)

Respectfully report as follows: That HOUSE BILL No. 393

1. Title, line 7. Following: "COURT;" Insert: "TO CLARIFY THE EXCLUSIVE NATURE OF REMEDIES AVAILABLE FOR DISCRIMINATION;"

2. Page 4, line 6. Following: line 5 Insert: "(7) The provisions of this chapter establish the exclusive remedy for acts constituting an alleged violation of this chapter, including acts that may otherwise also constitute a violation of the discrimination provisions of Article II, section 4, of the Montana constitution or 49-1-102. No other claim or request for relief based upon such acts may be entertained by a district court other than by the procedures specified in this chapter."

XXXXXX CONTINUED

Handwritten signature of Senator Mazurek

Senator Mazurek

Chairman

Handwritten notes: 5-23-87

SENATE JUDICIARY

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March 23 19 87

3. Page 6, line 25. Following: line 24 Insert: "(7) The provisions of this chapter establish the exclusive remedy for acts constituting an alleged violation of this chapter, including acts that may otherwise also constitute a violation of the discrimination provisions of Article II, section 4, of the Montana constitution or 49-1-102. No other claim or request for relief based upon such acts may be entertained by a district court other than by the procedures specified in this chapter."

C:\LANE\WP\AMDHB393.

AND AS AMENDED BE CONCURRED IN

Handwritten signature of Senator Mazurek

Senator Mazurek