

HB 399 INTRODUCED BY MANUEL  
REQUIRE LEGISLATIVE APPROVAL OF HUMAN RIGHTS  
COMMISSION'S RULES ON SEX DISCRIMINATION  
IN EDUCATION

1/22 INTRODUCED  
1/22 REFERRED TO JUDICIARY  
2/11 HEARING  
2/17 TABLED IN COMMITTEE

1 House BILL NO. 399  
2 INTRODUCED BY W. H. H. H.  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LEGISLATIVE  
5 APPROVAL OF ADMINISTRATIVE RULES IMPLEMENTING THE PROVISIONS  
6 OF THE MONTANA HUMAN RIGHTS ACT THAT PROHIBIT SEX  
7 DISCRIMINATION IN EDUCATION; AMENDING SECTIONS 49-2-204 AND  
8 49-3-106, MCA; AND PROVIDING AN APPLICABILITY DATE AND AN  
9 IMMEDIATE EFFECTIVE DATE."  
10

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

12 Section 1. Section 49-2-204, MCA, is amended to read:  
13 "49-2-204. Commission to adopt rules. The Subject to  
14 the provisions of [section 3], the commission shall adopt  
15 procedural and substantive rules necessary to implement this  
16 chapter. Rulemaking procedures shall comply with the  
17 requirements of the Montana Administrative Procedure Act."

18 Section 2. Section 49-3-106, MCA, is amended to read:

19 "49-3-106. Rulemaking authority. The Subject to the  
20 provisions of [section 3], the commission may adopt rules  
21 necessary for the implementation of this chapter, in  
22 accordance with the Montana Administrative Procedure Act.  
23 The rules may include but are not limited to procedural  
24 rules for:

- 25 (1) filing of complaints;

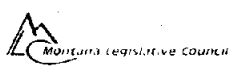
- 1 (2) conducting investigations of complaints;  
2 (3) petitioning for a declaratory ruling, as provided  
3 in 49-3-105; and  
4 (4) conduct of hearings."

5 NEW SECTION. Section 3. Legislative approval of  
6 rules. The commission may not adopt any substantive rule  
7 implementing the provisions of 49-2-307 or 49-3-203 that  
8 prohibit sex discrimination in education unless such rule is  
9 approved by a majority vote of the members of each house of  
10 the legislature.

11 NEW SECTION. Section 4. Applicability. This act  
12 applies retroactively, within the meaning of 1-2-109, to any  
13 proposed rule published in the Montana Administrative  
14 Register prior to the effective date of this act.

15 NEW SECTION. Section 5. Effective date. This act is  
16 effective on passage and approval.

-End-



-2- INTRODUCED BILL  
HB-399