

HOUSE BILL NO. 400  
INTRODUCED BY MANUEL

IN THE HOUSE

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

FEBRUARY 19, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 20, 1987                   PRINTING REPORT.

FEBRUARY 21, 1987                   SECOND READING, DO PASS.  
  
ENGROSSING REPORT.

FEBRUARY 23, 1987                   THIRD READING, PASSED.  
AYES, 63; NOES, 36.

TRANSMITTED TO SENATE.

IN THE SENATE

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

MARCH 27, 1987                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 30, 1987                   SECOND READING, CONCURRED IN AS  
AMENDED.

ON MOTION, RULES SUSPENDED AND BILL  
PLACED ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN.  
AYES, 46; NOES, 4.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1987

RECEIVED FROM SENATE.

ON MOTION, CONSIDERATION PASSED  
FOR THE DAY.

APRIL 8, 1987

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 9, 1987

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 400  
2 INTRODUCED BY [Signature]

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE LEGISLATIVE  
5 APPROVAL OF ADMINISTRATIVE RULES IMPLEMENTING THE PROVISIONS  
6 OF THE MONTANA HUMAN RIGHTS ACT THAT PROHIBIT AGE  
7 DISCRIMINATION IN HOUSING; AMENDING SECTIONS 49-2-204 AND  
8 49-3-106, MCA; REPEALING RULE 24.9.1107, ADMINISTRATIVE  
9 RULES OF MONTANA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
10 DATE."

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

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

19 Section 2. Section 49-3-106, MCA, is amended to read:  
20 "49-3-106. Rulemaking authority. The Subject to the  
21 provisions of [section 3], the commission may adopt rules  
22 necessary for the implementation of this chapter, in  
23 accordance with the Montana Administrative Procedure Act.  
24 The rules may include but are not limited to procedural  
25 rules for:

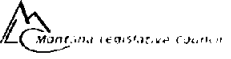
- 1 (1) filing of complaints;
- 2 (2) conducting investigations of complaints;
- 3 (3) petitioning for a declaratory ruling, as provided
- 4 in 49-3-105; and
- 5 (4) conduct of hearings."

6 NEW SECTION. Section 3. Legislative approval of  
7 rules. The commission may not adopt any substantive rule  
8 implementing the provisions of 49-2-305 that prohibits age  
9 discrimination in housing unless such rule is approved by a  
10 majority vote of the members of each house of the  
11 legislature.

12 NEW SECTION. Section 4. Repealer. Rule 24.9.1107,  
13 Administrative Rules of Montana, is repealed.

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

-End-

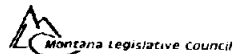


INTRODUCED BILL  
HB-400

APPROVED BY COMMITTEE  
ON JUDICIARY

1 HOUSE BILL NO. 400  
 2 INTRODUCED BY MANUEL  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO REQUIRE LEGISLATIVE~~  
 5 ~~APPROVAL OF ADMINISTRATIVE RULES IMPLEMENTING THE PROVISIONS~~  
 6 ~~OF THE MONTANA HUMAN RIGHTS ACT THAT PROHIBIT AGE~~  
 7 ~~DISCRIMINATION IN HOUSING, AMENDING SECTIONS 49-2-204 AND~~  
 8 ~~49-3-106, MCA, REPEALING RULE 24-9-1107, ADMINISTRATIVE~~  
 9 ~~RULES OF MONTANA PROVIDING THAT AN OWNER, LESSEE, MANAGER,~~  
 10 ~~OR OTHER PERSON HAVING THE RIGHT TO SELL, LEASE, OR RENT A~~  
 11 ~~HOUSING ACCOMMODATION OR IMPROVED OR UNIMPROVED PROPERTY MAY~~  
 12 ~~REFUSE TO MAKE THE HOUSING ACCOMMODATION OR PROPERTY~~  
 13 ~~AVAILABLE TO A PERSON OR PERSONS WITH A CHILD OR CHILDREN;~~  
 14 ~~AMENDING SECTION 49-2-305, MCA; AND PROVIDING AN IMMEDIATE~~  
 15 ~~EFFECTIVE DATE."~~  
 16  
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 18 Section 1. ~~Section 49-2-204, MCA, is amended to read:~~  
 19 "49-2-204. ~~Commission to adopt rules. The Subject to~~  
 20 ~~the provisions of {section 3} the commission shall adopt~~  
 21 ~~procedural and substantive rules necessary to implement this~~  
 22 ~~chapter. Rulemaking procedures shall comply with the~~  
 23 ~~requirements of the Montana Administrative Procedure Act."~~  
 24 Section 2. ~~Section 49-3-106, MCA, is amended to read:~~  
 25 "49-3-106. ~~Rulemaking authority. The Subject to the~~

1 ~~provisions of {section 3} the commission may adopt rules~~  
 2 ~~necessary for the implementation of this chapter, in~~  
 3 ~~accordance with the Montana Administrative Procedure Act.~~  
 4 ~~The rules may include but are not limited to procedural~~  
 5 ~~rules for:~~  
 6 (1) ~~filing of complaints;~~  
 7 (2) ~~conducting investigations of complaints;~~  
 8 (3) ~~petitioning for a declaratory ruling, as provided~~  
 9 ~~in 49-3-105; and~~  
 10 (4) ~~conduct of hearings."~~  
 11 ~~NEW SECTION. Section 3. legislative approval of~~  
 12 ~~rules. The commission may not adopt any substantive rule~~  
 13 ~~implementing the provisions of 49-2-305 that prohibits age~~  
 14 ~~discrimination in housing unless such rule is approved by a~~  
 15 ~~majority vote of the members of each house of the~~  
 16 ~~legislature.~~  
 17 ~~NEW SECTION. Section 4. Repealer. Rule 24-9-1107,~~  
 18 ~~Administrative Rules of Montana, is repealed.~~  
 19 SECTION 1. SECTION 49-2-305, MCA, IS AMENDED TO READ:  
 20 "49-2-305. Discrimination in housing. (1) Except when  
 21 the distinction is based on reasonable grounds, it is an  
 22 unlawful discriminatory practice for the owner, lessee,  
 23 manager, or other person having the right to sell, lease, or  
 24 rent a housing accommodation or improved or unimproved  
 25 property:



1 (a) to refuse to sell, lease, or rent the housing  
 2 accommodation or property to a person because of sex, race,  
 3 creed, religion, color, age, physical or mental handicap, or  
 4 national origin;

5 (b) to discriminate against a person because of sex,  
 6 race, creed, religion, age, physical or mental handicap,  
 7 color, or national origin in a term, condition, or privilege  
 8 relating to the use, sale, lease, or rental of the housing  
 9 accommodation or property;

10 (c) to make a written or oral inquiry or record of the  
 11 sex, race, creed, religion, age, physical or mental  
 12 handicap, color, or national origin of a person seeking to  
 13 buy, lease, or rent the housing accommodation or property;  
 14 or

15 (d) to refuse to negotiate for a sale or to make a  
 16 housing accommodation or property unavailable because of  
 17 sex, race, creed, religion, age, physical or mental  
 18 handicap, color, or national origin.

19 (2) A private residence designed for single-family  
 20 occupancy in which sleeping space is rented to guests and in  
 21 which the landlord also resides is excluded from the  
 22 provisions of subsection (1).

23 (3) It is also an unlawful discriminatory practice to  
 24 make, print, or publish or cause to be made, printed, or  
 25 published any notice, statement, or advertisement that

1 indicates any preference, limitation, or discrimination that  
 2 is prohibited by subsection (1) or any intention to make or  
 3 have such a preference, limitation, or discrimination.

4 (4) This section does not prohibit an owner, lessee,  
 5 manager, or other person having the right to sell, lease, or  
 6 rent a housing accommodation or improved or unimproved  
 7 property from refusing to sell, lease, or rent such property  
 8 to a person or persons with a child or children."

9 NEW SECTION. Section 2. Effective date. This act is  
 10 effective on passage and approval.

-End-

1 HOUSE BILL NO. 400  
 2 INTRODUCED BY MANUEL  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE LEGISLATIVE  
 5 APPROVAL OF ADMINISTRATIVE RULES IMPLEMENTING THE PROVISIONS  
 6 OF THE MONTANA HUMAN RIGHTS ACT THAT PROHIBIT AGE  
 7 DISCRIMINATION IN HOUSING; AMENDING SECTIONS 49-2-204 AND  
 8 49-3-106, MCA; REPEALING RULE 24-9-1107, ADMINISTRATIVE  
 9 RULES OF MONTANA PROVIDING THAT AN OWNER, LESSEE, MANAGER,  
 10 OR OTHER PERSON HAVING THE RIGHT TO SELL, LEASE, OR RENT A  
 11 HOUSING ACCOMMODATION OR IMPROVED OR UNIMPROVED PROPERTY MAY  
 12 REFUSE TO MAKE THE HOUSING ACCOMMODATION OR PROPERTY  
 13 AVAILABLE TO A PERSON OR PERSONS WITH A CHILD OR CHILDREN;  
 14 AMENDING SECTION 49-2-305, MCA; AND PROVIDING AN IMMEDIATE  
 15 EFFECTIVE DATE."  
 16  
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 18 Section 1. Section 49-2-204, MCA, is amended to read:  
 19 "49-2-204. Commission to adopt rules. The Subject to  
 20 the provisions of {section 3}; the commission shall adopt  
 21 procedural and substantive rules necessary to implement this  
 22 chapter. Rulemaking procedures shall comply with the  
 23 requirements of the Montana Administrative Procedure Act."  
 24 Section 2. Section 49-3-106, MCA, is amended to read:  
 25 "49-3-106. Rulemaking authority. The Subject to the

1 provisions of {section 3}; the commission may adopt rules  
 2 necessary for the implementation of this chapter, in  
 3 accordance with the Montana Administrative Procedure Act.  
 4 The rules may include but are not limited to procedural  
 5 rules for:  
 6 (1) filing of complaints;  
 7 (2) conducting investigations of complaints;  
 8 (3) petitioning for a declaratory ruling, as provided  
 9 in 49-3-105; and  
 10 (4) conduct of hearings."  
 11 NEW SECTION. Section 3. Legislative approval of  
 12 rules. The commission may not adopt any substantive rule  
 13 implementing the provisions of 49-2-305 that prohibits age  
 14 discrimination in housing unless such rule is approved by a  
 15 majority vote of the members of each house of the  
 16 legislature.  
 17 NEW SECTION. Section 4. Repealer. Rule 24-9-1107,  
 18 Administrative Rules of Montana, is repealed.  
 19 SECTION 1. SECTION 49-2-305, MCA, IS AMENDED TO READ:  
 20 "49-2-305. Discrimination in housing. (1) Except when  
 21 the distinction is based on reasonable grounds, it is an  
 22 unlawful discriminatory practice for the owner, lessee,  
 23 manager, or other person having the right to sell, lease, or  
 24 rent a housing accommodation or improved or unimproved  
 25 property:

1 (a) to refuse to sell, lease, or rent the housing  
2 accommodation or property to a person because of sex, race,  
3 creed, religion, color, age, physical or mental handicap, or  
4 national origin;

5 (b) to discriminate against a person because of sex,  
6 race, creed, religion, age, physical or mental handicap,  
7 color, or national origin in a term, condition, or privilege  
8 relating to the use, sale, lease, or rental of the housing  
9 accommodation or property;

10 (c) to make a written or oral inquiry or record of the  
11 sex, race, creed, religion, age, physical or mental  
12 handicap, color, or national origin of a person seeking to  
13 buy, lease, or rent the housing accommodation or property;  
14 or

15 (d) to refuse to negotiate for a sale or to make a  
16 housing accommodation or property unavailable because of  
17 sex, race, creed, religion, age, physical or mental  
18 handicap, color, or national origin.

19 (2) A private residence designed for single-family  
20 occupancy in which sleeping space is rented to guests and in  
21 which the landlord also resides is excluded from the  
22 provisions of subsection (1).

23 (3) It is also an unlawful discriminatory practice to  
24 make, print, or publish or cause to be made, printed, or  
25 published any notice, statement, or advertisement that

1 indicates any preference, limitation, or discrimination that  
2 is prohibited by subsection (1) or any intention to make or  
3 have such a preference, limitation, or discrimination.

4 (4) This section does not prohibit an owner, lessee,  
5 manager, or other person having the right to sell, lease, or  
6 rent a housing accommodation or improved or unimproved  
7 property from refusing to sell, lease, or rent such property  
8 to a person or persons with a child or children."

9 NEW SECTION. Section 2. Effective date. This act is  
10 effective on passage and approval.

-End-

1 HOUSE BILL NO. 400  
 2 INTRODUCED BY MANUEL  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE LEGISLATIVE  
 5 APPROVAL OF ADMINISTRATIVE RULES IMPLEMENTING THE PROVISIONS  
 6 OF THE MONTANA HUMAN RIGHTS ACT THAT PROHIBIT AGE  
 7 DISCRIMINATION IN HOUSING; AMENDING SECTIONS 49-2-204 AND  
 8 49-3-106, MCA; REPEALING RULE 24.9.1107, ADMINISTRATIVE  
 9 RULES OF MONTANA PROVIDING THAT REPEALING THE ADMINISTRATIVE  
 10 RULE THAT PROHIBITED AN OWNER, LESSEE, MANAGER, OR OTHER  
 11 PERSON HAVING THE RIGHT TO SELL, LEASE, OR RENT A HOUSING  
 12 ACCOMMODATION OR IMPROVED OR UNIMPROVED PROPERTY MAY REFUSE  
 13 FROM REFUSING TO MAKE THE HOUSING ACCOMMODATION OR PROPERTY  
 14 AVAILABLE TO A PERSON OR PERSONS WITH A CHILD OR CHILDREN;  
 15 AMENDING SECTION 49-2-305, MCA REPEALING RULE 24.9.1107,  
 16 ADMINISTRATIVE RULES OF MONTANA; AND PROVIDING AN IMMEDIATE  
 17 EFFECTIVE DATE."  
 18  
 19 WHEREAS, THE LEGISLATURE FINDS THAT RULE 24.9.1107,  
 20 ADMINISTRATIVE RULES OF MONTANA, DIRECTLY CONFLICTS WITH THE  
 21 PUBLIC POLICY EXPRESSED BY THE LEGISLATURE BECAUSE THE RULE  
 22 FAILS TO INCORPORATE THE APPLICATION OF REASONABLE GROUNDS  
 23 EXCEPTIONS AS PROVIDED FOR IN THE STATUTE.  
 24  
 25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 Section 1. Section 49-2-204, MCA, is amended to read:  
 2 "49-2-204. Commission to adopt rules. The Subject to  
 3 the provisions of {section 3}, the commission shall adopt  
 4 procedural and substantive rules necessary to implement this  
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 6 requirements of the Montana Administrative Procedure Act."  
 7 Section 2. Section 49-3-106, MCA, is amended to read:  
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 9 provisions of {section 3}, the commission may adopt rules  
 10 necessary for the implementation of this chapter, in  
 11 accordance with the Montana Administrative Procedure Act.  
 12 The rules may include but are not limited to procedural  
 13 rules for:  
 14 {1} filing of complaints;  
 15 {2} conducting investigations of complaints;  
 16 {3} petitioning for a declaratory ruling, as provided  
 17 in 49-3-105, and  
 18 {4} conduct of hearings."  
 19 NEW SECTION. Section 3. Legislative approval of  
 20 rules. The commission may not adopt any substantive rule  
 21 implementing the provisions of 49-2-305 that prohibits age  
 22 discrimination in housing unless such rule is approved by a  
 23 majority vote of the members of each house of the  
 24 legislature.  
 25 NEW SECTION. Section 4. Repealer. Rule 24.9.1107,





1 Administrative Rules of Montana, is repealed;

2 SECTION 1. SECTION 49-2-305, MCA, IS AMENDED TO READ:

3 49-2-305. Discrimination in housing. (1) Except when

4 the distinction is based on reasonable grounds, it is an

5 unlawful discriminatory practice for the owner, lessee,

6 manager, or other person having the right to sell, lease, or

7 rent a housing accommodation or improved or unimproved

8 property:

9 (a) to refuse to sell, lease, or rent the housing

10 accommodation or property to a person because of sex, race,

11 creed, religion, color, age, physical or mental handicap, or

12 national origin;

13 (b) to discriminate against a person because of sex,

14 race, creed, religion, age, physical or mental handicap,

15 color, or national origin in a term, condition, or privilege

16 relating to the use, sale, lease, or rental of the housing

17 accommodation or property;

18 (c) to make a written or oral inquiry or record of the

19 sex, race, creed, religion, age, physical or mental

20 handicap, color, or national origin of a person seeking to

21 buy, lease, or rent the housing accommodation or property;

22 or

23 (d) to refuse to negotiate for a sale or to make a

24 housing accommodation or property unavailable because of

25 sex, race, creed, religion, age, physical or mental

1 handicap, color, or national origin;

2 (2) A private residence designed for single-family

3 occupancy in which sleeping space is rented to guests and in

4 which the landlord also resides is excluded from the

5 provisions of subsection (1);

6 (3) It is also an unlawful discriminatory practice to

7 make, print, or publish or cause to be made, printed, or

8 published any notice, statement, or advertisement that

9 indicates any preference, limitation, or discrimination that

10 is prohibited by subsection (1) or any intention to make or

11 have such a preference, limitation, or discrimination;

12 (4) This section does not prohibit an owner, lessee,

13 manager, or other person having the right to sell, lease, or

14 rent a housing accommodation or improved or unimproved

15 property from refusing to sell, lease, or rent such property

16 to a person or persons with a child or children."

17 SECTION 1. REPEALER. RULE 24.9.1107, ADMINISTRATIVE

18 RULES OF MONTANA, IS REPEALED.

19 NEW SECTION: Section 2. Effective date. This act is

20 effective on passage and approval.

-End-

# COMMITTEE OF THE WHOLE AMENDMENT

3-30-87

DATE

## SENATE

10:01

TIME

MR. CHAIRMAN: I MOVE TO AMEND House Bill No. 400

third reading copy ( blue ) as follows:  
Color

AMENDING SENATE JUDICIARY STANDING COMMITTEE REPORT, DATED MARCH 27, 1987.

1. Amendment No. 4.

Following: "by the Legislature"

Insert: "and because the rule fails to incorporate the application of reasonable grounds exceptions as provided for in the statute"

KAC  
ADOPT  
REJECT

*Yellowtail*  
Senator Yellowtail

STANDING COMMITTEE REPORT

SENATE

SCRHB400

March 27, 1987

MR. PRESIDENT

Judiciary

We, your committee on.....

House Bill

400

having had under consideration..... No.....

third

blue

reading copy ( ) color

REQUIRE LEGISLATIVE APPROVAL OF HRC RULES GOVERNING HOUSING DISCRIMINATION

Manuel ~~XXXXXXXX~~ (Pinsonault)

Respectfully report as follows: That.....House Bill..... No....400.....

BE AMENDED AS FOLLOWS:

1. Title, line 9.

Strike: "PROVIDING THAT"

Insert: "REPEALING THE ADMINISTRATIVE RULE THAT PROHIBITED"

2. Title, lines 11 and 12.

Strike: "MAY" on line 11 through "REFUSE" on line 12.

Insert: "FROM REFUSING"

3. Title, line 14.

Strike: "AMENDING SECTION 49-2-305, MCA"

Insert: "REPEALING RULE 24.9.1107 ADMINISTRATIVE RULES OF MONTANA"

4. Page 1, line 16.

Insert: "WHEREAS, the Legislature finds that Rule 24.9.1107 Administrative Rules of Montana directly conflicts with the public policy expressed by the Legislature."

5. Page 2, line 19 through page 4, line 8.

Strike: Section 1 in its entirety

Insert: "Section 1. Repealer. Rule 24.9.1107 Administrative Rules of Montana, is repealed."

DB

XXXXXXXX

XXXXXXXX

AND AS AMENDED ~~XXXXXXXXXXXXXX~~ BE CONCURRED IN

BE

*Manuel Mazurek*

Chairman.

Senator Mazurek

37-87  
5-05  
107

SENATE

STANDING COMMITTEE REPORT

SCRHB400

March 27, 1987

MR. PRESIDENT

Judiciary

We, your committee on House Bill 400

having had under consideration No. 400

third reading copy (blue) as follows: color

REQUIRE LEGISLATIVE APPROVAL OF HRC RULES GOVERNING HOUSING DISCRIMINATION

Manual ~~XXXXXXXX~~ (Pinsoneault)

Respectfully report as follows. That House Bill No. 400

BE AMENDED AS FOLLOWS:

- 1. Title, line 9. Strike: "PROVIDING THAT" Insert: "REPEALING THE ADMINISTRATIVE RULE THAT PROHIBITED"
2. Title, lines 11 and 12. Strike: "MAY" on line 11 through "REFUSE" on line 12. Insert: "FROM REFUSING"
3. Title, line 14. Strike: "AMENDING SECTION 49-2-305, MCA" Insert: "REPEALING RULE 24.9.1107 ADMINISTRATIVE RULES OF MONTANA"
4. Page 1, line 16. Insert: "WHEREAS, the Legislature finds that Rule 24.9.1107 Administrative Rules of Montana directly conflicts with the public policy expressed by the Legislature."
5. Page 2, line 19 through page 4, line 8. Strike: Section 1 in its entirety Insert: "Section 1. Repealer. Rule 24.9.1107 Administrative Rules of Montana, is repealed."

XXXXXXXXXX
XXXXXXXXXX

AND AS AMENDED ~~XXXXXXXXXXXXXXXXXX~~ BE CONCURRED IN

Senator Mazurek Chairman

COMMITTEE OF THE WHOLE AMENDMENT

3301001p.cwr

3-30-87 DATE

SENATE

10:01 TIME

MR. CHAIRMAN: I MOVE TO AMEND House Bill

No 400

third reading copy (blue) as follows: Color

AMEND SENATE JUDICIARY STANDING COMMITTEE REPORT, DATED MARCH 27, 1987.

- 1. Amendment no. 4. Following: "by the Legislature" Insert: "because the rule fails to incorporate the application of reasonable grounds exceptions as provided for in the statute"

SECOND PRINTING CORRECTED

ADOPT REJECT

Senator Yellowtail