

SENATE BILL NO. 152

INTRODUCED BY WALKER, LYNCH, REGAN, JACOBSON,
SQUIRES, MCCALLUM, FARRELL, MANNING, DRISCOLL

IN THE SENATE

| | |
|-------------------|---|
| JANUARY 20, 1987 | INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. |
| FEBRUARY 5, 1987 | COMMITTEE RECOMMEND BILL DO NOT PASS. REPORT ADOPTED. |
| FEBRUARY 6, 1987 | ON MOTION, RECONSIDER ACTION TAKEN ON ADVERSE COMMITTEE REPORT. ON MOTION, REREFERRED TO COMMITTEE ON JUDICIARY. |
| FEBRUARY 17, 1987 | COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. |
| FEBRUARY 18, 1987 | PRINTING REPORT. |
| FEBRUARY 19, 1987 | SECOND READING, DO PASS. |
| FEBRUARY 20, 1987 | ENGROSSING REPORT. |
| FEBRUARY 21, 1987 | THIRD READING, PASSED. AYES, 45; NOES, 4. TRANSMITTED TO HOUSE. |

IN THE HOUSE

| | |
|-------------------|--|
| FEBRUARY 23, 1987 | INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. |
| MARCH 23, 1987 | COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. |
| MARCH 28, 1987 | SECOND READING, CONCURRED IN. |

MARCH 30, 1987

THIRD READING, CONCURRED IN.
AYES, 88; NOES, 10.

RETURNED TO SENATE.

IN THE SENATE

MARCH 31, 1987

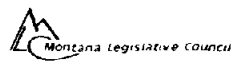
RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1 *Senate* BILL NO. *152* *Agrees*
 2 INTRODUCED BY *Walker Lynch Bay*
 3 *McCallister Fanel Richard*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE TIME
 5 FOR FILING A COMPLAINT WITH THE COMMISSION FOR HUMAN RIGHTS
 6 BE INCREASED IF THE PARTIES ATTEMPT TO RESOLVE THE DISPUTE
 7 BY SETTLEMENT, ARBITRATION, OR ANY OTHER METHOD; AMENDING
 8 SECTIONS 49-2-501 AND 49-3-304, MCA; AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY
 10 DATE."
 11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 49-2-501, MCA, is amended to read:
 14 "49-2-501. Filing complaints. (1) A complaint may be
 15 filed by or on behalf of any person claiming to be aggrieved
 16 by any discriminatory practice prohibited by this chapter.
 17 The complaint must be in the form of a written, verified
 18 complaint stating the name and address of the person,
 19 educational institution, financial institution, or
 20 governmental entity or agency alleged to have engaged in the
 21 discriminatory practice and the particulars of the alleged
 22 discriminatory practice. The commission staff may file a
 23 complaint in like manner when a discriminatory practice
 24 comes to its attention.
 25 (2) (a) A Except as provided in subsections (2)(b) and

1 (2)(c), a complaint under this chapter must be filed with
 2 the commission within 180 days after the alleged unlawful
 3 discriminatory practice occurred or was discovered.
 4 (b) A complaint need not be filed until 180 days after
 5 failure of all reasonable good faith attempts to resolve the
 6 matter by:
 7 (i) negotiation;
 8 (ii) settlement;
 9 (iii) arbitration;
 10 (iv) an administrative, grievance, or other procedure
 11 adopted by either party; or
 12 (v) any other method.
 13 (c) For purposes of subsection (2)(b), the period for
 14 making all reasonable good faith attempts to resolve the
 15 matter is limited to 6 months after the alleged unlawful
 16 discriminatory practice occurred or was discovered, but the
 17 6-month period may be extended for an additional 6 months
 18 upon written agreement of the parties.
 19 (d) Any complaint not filed within the time times set
 20 forth herein may not be considered by the commission."
 21 Section 2. Section 49-3-304, MCA, is amended to read:
 22 "49-3-304. Filing complaints. (1) A Except as provided
 23 in subsections (2) and (3), a complaint under this chapter
 24 must be filed with the commission within 180 days after the
 25 alleged unlawful discriminatory practice occurred or was



1 discovered.

2 (2) A complaint need not be filed until 180 days after
3 failure of all reasonable good faith attempts to resolve the
4 matter by:

- 5 (a) negotiation;
- 6 (b) settlement;
- 7 (c) arbitration;
- 8 (d) an administrative, grievance, or other procedure
9 adopted by either party; or
- 10 (e) any other method.

11 (3) For purposes of subsection (2), the period for
12 making all reasonable good faith attempts to resolve the
13 matter is limited to 6 months after the alleged unlawful
14 discriminatory practice occurred or was discovered, but the
15 6-month period may be extended for an additional 6 months
16 upon written agreement of the parties.

17 (4) A complaint not filed within that-time the times
18 set forth in this section may not be considered by the
19 commission."

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

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

1 approval.

2 (2) This act applies retroactively, within the meaning
3 of 1-2-109, MCA, to July 1, 1986.

-End-

RE-REFERRED AND
APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 152

INTRODUCED BY WALKER, LYNCH, REGAN, JACOBSON,
SQUIRES, MCCALLUM, FARRELL, MANNING, DRISCOLL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE TIME FOR FILING A COMPLAINT WITH THE COMMISSION FOR HUMAN RIGHTS BE INCREASED IF THE PARTIES ATTEMPT TO RESOLVE THE DISPUTE BY SETTLEMENT, ARBITRATION, OR ANY OTHER METHOD COMPLAINANT HAS ATTEMPTED TO RESOLVE THE DISPUTE THROUGH A GRIEVANCE PROCEDURE; AMENDING SECTIONS 49-2-501 AND 49-3-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE AN APPLICABILITY DATE."

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

Section 1. Section 49-2-501, MCA, is amended to read:

"49-2-501. Filing complaints. (1) A complaint may be filed by or on behalf of any person claiming to be aggrieved by any discriminatory practice prohibited by this chapter. The complaint must be in the form of a written, verified complaint stating the name and address of the person, educational institution, financial institution, or governmental entity or agency alleged to have engaged in the discriminatory practice and the particulars of the alleged discriminatory practice. The commission staff may file a complaint in like manner when a discriminatory practice

comes to its attention.

(2) (a) Except as provided in subsections SUBSECTION (2)(b) and (2)(c), a complaint under this chapter must be filed with the commission within 180 days after the alleged unlawful discriminatory practice occurred or was discovered.

~~(b) A complaint need not be filed until 180 days after failure of all reasonable good faith attempts to resolve the matter by:~~

~~(i) negotiation;~~

~~(ii) settlement;~~

~~(iii) arbitration;~~

~~(iv) an administrative, grievance, or other procedure adopted by either party; or~~

~~(v) any other method;~~

~~(c) For purposes of subsection (2)(b), the period for making all reasonable good faith attempts to resolve the matter is limited to 6 months after the alleged unlawful discriminatory practice occurred or was discovered, but the 6-month period may be extended for an additional 6 months upon written agreement of the parties;~~

(B) IF THE COMPLAINANT HAS INITIATED EFFORTS TO RESOLVE THE DISPUTE UNDERLYING THE COMPLAINT BY FILING A GRIEVANCE IN ACCORDANCE WITH ANY GRIEVANCE PROCEDURE ESTABLISHED BY A COLLECTIVE BARGAINING AGREEMENT, CONTRACT, OR WRITTEN RULE OR POLICY, THE COMPLAINT MAY BE FILED WITHIN

1 180 DAYS AFTER THE CONCLUSION OF THE GRIEVANCE PROCEDURE IF
 2 THE GRIEVANCE PROCEDURE CONCLUDES WITHIN 120 DAYS AFTER THE
 3 ALLEGED UNLAWFUL DISCRIMINATORY PRACTICE OCCURRED OR WAS
 4 DISCOVERED. IF THE GRIEVANCE PROCEDURE DOES NOT CONCLUDE
 5 WITHIN 120 DAYS, THE COMPLAINT MUST BE FILED WITHIN 300 DAYS
 6 AFTER THE ALLEGED UNLAWFUL DISCRIMINATORY PRACTICE OCCURRED
 7 OR WAS DISCOVERED.

8 ~~(d)~~(C) Any complaint not filed within the time times
 9 set forth herein may not be considered by the commission."

10 Section 2. Section 49-3-304, MCA, is amended to read:

11 "49-3-304. Filing complaints. (1) A Except as provided
 12 in subsections SUBSECTION (2) and--(3), a complaint under
 13 this chapter must be filed with the commission within 180
 14 days after the alleged unlawful discriminatory practice
 15 occurred or was discovered.

16 ~~(2) A complaint need not be filed until 180 days after~~
 17 ~~failure of all reasonable good faith attempts to resolve the~~
 18 ~~matter by:~~

19 ~~(a) negotiation;~~

20 ~~(b) settlement;~~

21 ~~(c) arbitration;~~

22 ~~(d) an administrative, grievance, or other procedure~~
 23 ~~adopted by either party; or~~

24 ~~(e) any other method;~~

25 ~~(3) For purposes of subsection (2), the period for~~

1 ~~making all reasonable good faith attempts to resolve the~~
 2 ~~matter is limited to 6 months after the alleged unlawful~~
 3 ~~discriminatory practice occurred or was discovered, but the~~
 4 ~~6-month period may be extended for an additional 6 months~~
 5 ~~upon written agreement of the parties.~~

6 (2) IF THE COMPLAINANT HAS INITIATED EFFORTS TO
 7 RESOLVE THE DISPUTE UNDERLYING THE COMPLAINT BY FILING A
 8 GRIEVANCE IN ACCORDANCE WITH ANY GRIEVANCE PROCEDURE
 9 ESTABLISHED BY A COLLECTIVE BARGAINING AGREEMENT, CONTRACT,
 10 OR WRITTEN RULE OR POLICY, THE COMPLAINT MAY BE FILED WITHIN
 11 180 DAYS AFTER THE CONCLUSION OF THE GRIEVANCE PROCEDURE IF
 12 THE GRIEVANCE PROCEDURE CONCLUDES WITHIN 120 DAYS AFTER THE
 13 ALLEGED UNLAWFUL DISCRIMINATORY PRACTICE OCCURRED OR WAS
 14 DISCOVERED. IF THE GRIEVANCE PROCEDURE DOES NOT CONCLUDE
 15 WITHIN 120 DAYS, THE COMPLAINT MUST BE FILED WITHIN 300 DAYS
 16 AFTER THE ALLEGED UNLAWFUL DISCRIMINATORY PRACTICE OCCURRED
 17 OR WAS DISCOVERED.

18 ~~(4)(3) A complaint not filed within that time the~~
 19 ~~times set forth in this section may not be considered by the~~
 20 ~~commission."~~

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

25 NEW SECTION. Section 4. Effective date --

1 applicability. (1) This act is effective on passage and
2 approval.

3 (2) This act applies retroactively, ~~within the meaning~~
4 ~~of 1-2-1997 MCA, to July 1, 1986~~ TO CLAIMS ACCRUING AFTER
5 THE EFFECTIVE DATE OF THIS ACT.

-End-

1 SENATE BILL NO. 152

2 INTRODUCED BY WALKER, LYNCH, REGAN, JACOBSON,
3 SQUIRES, MCCALLUM, FARRELL, MANNING, DRISCOLL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE TIME
6 FOR FILING A COMPLAINT WITH THE COMMISSION FOR HUMAN RIGHTS
7 BE INCREASED IF THE PARTIES ATTEMPT TO RESOLVE THE DISPUTE
8 BY SETTLEMENT, ARBITRATION, OR ANY OTHER METHOD COMPLAINANT
9 HAS ATTEMPTED TO RESOLVE THE DISPUTE THROUGH A GRIEVANCE
10 PROCEDURE; AMENDING SECTIONS 49-2-501 AND 49-3-304, MCA; AND
11 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A--RETROACTIVE AN
12 APPLICABILITY DATE."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 49-2-501, MCA, is amended to read:

16 "49-2-501. Filing complaints. (1) A complaint may be
17 filed by or on behalf of any person claiming to be aggrieved
18 by any discriminatory practice prohibited by this chapter.
19 The complaint must be in the form of a written, verified
20 complaint stating the name and address of the person,
21 educational institution, financial institution, or
22 governmental entity or agency alleged to have engaged in the
23 discriminatory practice and the particulars of the alleged
24 discriminatory practice. The commission staff may file a
25 complaint in like manner when a discriminatory practice

1 comes to its attention.

2 (2) (a) A Except as provided in subsections SUBSECTION
3 (2)(b) and (2)(c), a complaint under this chapter must be
4 filed with the commission within 180 days after the alleged
5 unlawful discriminatory practice occurred or was discovered.

6 ~~(b) A complaint need not be filed until 180 days after~~
7 ~~failure of all reasonable good faith attempts to resolve the~~
8 ~~matter by:~~

9 ~~(i) negotiation;~~

10 ~~(ii) settlement;~~

11 ~~(iii) arbitration;~~

12 ~~(iv) an administrative, grievance, or other procedure~~
13 ~~adopted by either party; or~~

14 ~~(v) any other method;~~

15 ~~(c) For purposes of subsection (2)(b), the period for~~
16 ~~making all reasonable good faith attempts to resolve the~~
17 ~~matter is limited to 6 months after the alleged unlawful~~
18 ~~discriminatory practice occurred or was discovered, but the~~
19 ~~6-month period may be extended for an additional 6 months~~
20 ~~upon written agreement of the parties.~~

21 (B) IF THE COMPLAINANT HAS INITIATED EFFORTS TO
22 RESOLVE THE DISPUTE UNDERLYING THE COMPLAINT BY FILING A
23 GRIEVANCE IN ACCORDANCE WITH ANY GRIEVANCE PROCEDURE
24 ESTABLISHED BY A COLLECTIVE BARGAINING AGREEMENT, CONTRACT,
25 OR WRITTEN RULE OR POLICY, THE COMPLAINT MAY BE FILED WITHIN

1 180 DAYS AFTER THE CONCLUSION OF THE GRIEVANCE PROCEDURE IF
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8 ~~{d}~~(C) Any complaint not filed within the time times
 9 set forth herein may not be considered by the commission."

10 Section 2. Section 49-3-304, MCA, is amended to read:

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 12 in subsections SUBSECTION (2) and--(3), a complaint under
 13 this chapter must be filed with the commission within 180
 14 days after the alleged unlawful discriminatory practice
 15 occurred or was discovered.

16 ~~{2}--A-complaint-need-not-be-filed-until-180-days-after~~
 17 ~~failure-of-all-reasonable-good-faith-attempts-to-resolve-the~~
 18 ~~matter-by:~~

19 ~~{a}--negotiation;~~

20 ~~{b}--settlement;~~

21 ~~{c}--arbitration;~~

22 ~~{d}--an--administrative,--grievance,--or--other--procedure~~
 23 ~~adopted-by-either-party,--or~~

24 ~~{e}--any-other-method;~~

25 ~~{3}--For-purposes-of-subsection--(2)--the--period--for~~

1 ~~making--all--reasonable--good--faith-attempts-to-resolve-the~~
 2 ~~matter-is-limited-to-6-months--after--the--alleged--unlawful~~
 3 ~~discriminatory--practice-occurred-or-was-discovered,--but-the~~
 4 ~~6-month-period-may-be-extended-for-an-additional--6--months~~
 5 ~~upon-written-agreement-of-the-parties.~~

6 (2) IF THE COMPLAINANT HAS INITIATED EFFORTS TO
 7 RESOLVE THE DISPUTE UNDERLYING THE COMPLAINT BY FILING A
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18 ~~{4}~~(3) A complaint not filed within that--time the
 19 times set forth in this section may not be considered by the
 20 commission."

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

25 NEW SECTION. Section 4. Effective date ---

1 applicability. (1) This act is effective on passage and
2 approval.

3 (2) This act applies retroactively, within the meaning
4 of ~~1-2-1997, MCA, to July 17, 1986~~ TO CLAIMS ACCRUING AFTER
5 THE EFFECTIVE DATE OF THIS ACT.

-End-

1 SENATE BILL NO. 152
 2 INTRODUCED BY WALKER, LYNCH, REGAN, JACOBSON,
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 21 (B) IF THE COMPLAINANT HAS INITIATED EFFORTS TO
 22 RESOLVE THE DISPUTE UNDERLYING THE COMPLAINT BY FILING A
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24 ~~{e}--any other method;~~

25 ~~{3}--For purposes of subsection--{2},--the period--for~~

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4 of ~~1-2-1997 MCA, to July 17, 1986~~ TO CLAIMS ACCRUING AFTER
5 THE EFFECTIVE DATE OF THIS ACT.

-End-