

HOUSE BILL 547

Introduced by Ream, et al.

2/10	Introduced
2/10	Referred to Judiciary
2/10	First Reading
2/17	Hearing
2/20	Tabled in Committee

1 *House* BILL NO. *547*
 2 INTRODUCED BY *Ream Blaylock*
 3 *Cochran Bracke The McCulloch*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING SEXUAL
 5 ORIENTATION IN THE HUMAN RIGHTS LAWS; PROHIBITING
 6 DISCRIMINATION BASED ON SEXUAL ORIENTATION; CLARIFYING THAT
 7 THE HUMAN RIGHTS LAWS APPLY WHETHER OR NOT THE VICTIM IS AN
 8 ACTUAL MEMBER OF A PROTECTED CLASS; AND AMENDING SECTIONS
 9 49-1-102, 49-2-303, 49-2-304, 49-2-305, 49-2-306, 49-2-307,
 10 49-2-308, 49-2-403, 49-2-602, 49-3-201, 49-3-202, 49-3-203,
 11 49-3-204, 49-3-205, 49-3-206, AND 49-3-207, MCA."

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

14 **Section 1.** Section 49-1-102, MCA, is amended to read:

15 "49-1-102. Freedom from discrimination. (1) The right
 16 to be free from discrimination because of actual or
 17 perceived race, creed, religion, color, sex, physical or
 18 mental handicap, age, or national origin, or sexual
 19 orientation is recognized as and declared to be a civil
 20 right. This right must include but not be limited to:

21 (a) the right to obtain and hold employment without
 22 discrimination; and

23 (b) the right to the full enjoyment of any of the
 24 accommodation facilities or privileges of any place of
 25 public resort, accommodation, assemblage, or amusement.

1 (2) This section does not prevent the nonarbitrary
 2 consideration in adoption proceedings of relevant
 3 information concerning the factors listed in subsection (1).
 4 Consideration of religious factors by a licensed
 5 child-placing agency that is affiliated with a particular
 6 religious faith is not arbitrary consideration of religion
 7 within the meaning of this section."

8 **Section 2.** Section 49-2-303, MCA, is amended to read:

9 "49-2-303. Discrimination in employment. (1) It is an
 10 unlawful discriminatory practice for:

11 (a) an employer to refuse employment to a person, to
 12 bar him the person from employment, or to discriminate
 13 against him the person in compensation or in a term,
 14 condition, or privilege of employment because of his the
 15 person's actual or perceived race, creed, religion, color,
 16 or national origin, or sexual orientation or because of his
 17 the person's age, physical or mental handicap, marital
 18 status, or sex when the reasonable demands of the position
 19 do not require an age, physical or mental handicap, marital
 20 status, or sex distinction;

21 (b) a labor organization or joint labor management
 22 committee controlling apprenticeship to exclude or expel any
 23 person from its membership or from an apprenticeship or
 24 training program or to discriminate in any way against a
 25 member of or an applicant to the labor organization or an

1 employer or employee because of actual or perceived race,
 2 creed, religion, color, or national origin, or sexual
 3 orientation or because of his the person's actual or
 4 perceived age, physical or mental handicap, marital status,
 5 or sex when the reasonable demands of the program do not
 6 require an age, physical or mental handicap, marital status,
 7 or sex distinction;

8 (c) an employer or employment agency to print or
 9 circulate or cause to be printed or circulated a statement,
 10 advertisement, or publication or to use an employment
 11 application which expresses, directly or indirectly, a
 12 limitation, specification, or discrimination as to sex,
 13 marital status, age, physical or mental handicap, race,
 14 creed, religion, color, or national origin, or sexual
 15 orientation or an intent to make the limitation, unless
 16 based upon a bona fide occupational qualification;

17 (d) an employment agency to fail or refuse to refer for
 18 employment, to classify, or otherwise to discriminate
 19 against any individual because of actual or perceived sex,
 20 marital status, age, physical or mental handicap, race,
 21 creed, religion, color, or national origin, or sexual
 22 orientation, unless based upon a bona fide occupational
 23 qualification.

24 (2) The exceptions permitted in subsection (1) based on
 25 bona fide occupational qualifications shall must be strictly

1 construed.

2 (3) Compliance with 2-2-302 and 2-2-303, which prohibit
 3 nepotism in public agencies, may not be construed as a
 4 violation of this section.

5 (4) The application of a hiring preference as provided
 6 for in 2-18-111 and 18-1-110 may not be construed to be a
 7 violation of this section."

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

9 "49-2-304. Discrimination in public accommodations. (1)
 10 Except when the distinction is based on reasonable grounds,
 11 it is an unlawful discriminatory practice for the owner,
 12 lessee, manager, agent, or employee of a public
 13 accommodation:

14 (a) to refuse, withhold from, or deny to a person any
 15 of its services, goods, facilities, advantages, or
 16 privileges because of actual or perceived sex, marital
 17 status, race, age, physical or mental handicap, creed,
 18 religion, color, or national origin, or sexual orientation;

19 (b) to publish, circulate, issue, display, post, or
 20 mail a written or printed communication, notice, or
 21 advertisement which states or implies that any of the
 22 services, goods, facilities, advantages, or privileges of
 23 the public accommodation will be refused, withheld from, or
 24 denied to a person of a certain race, creed, religion, sex,
 25 marital status, age, physical or mental handicap, color, or

1 national origin, or sexual orientation.

2 (2) Except when the distinction is based on reasonable
3 grounds, it is an unlawful discriminatory practice for a
4 licensee under Title 16, chapter 4, to exclude from its
5 membership or from its services, goods, facilities,
6 advantages, privileges, or accommodations any individual on
7 the grounds of actual or perceived race, color, religion,
8 creed, sex, marital status, age, physical or mental
9 handicap, or national origin, or sexual orientation. This
10 subsection does not apply to any lodge of a recognized
11 national fraternal organization.

12 (3) Nothing in this section prohibits public
13 accommodations from giving or providing special benefits,
14 incentives, discounts, or promotions for the benefit of
15 individuals based on age."

16 **Section 4.** Section 49-2-305, MCA, is amended to read:

17 "49-2-305. Discrimination in housing -- exemptions. (1)

18 It is an unlawful discriminatory practice for the owner,
19 lessee, or manager having the right to sell, lease, or rent
20 a housing accommodation or improved or unimproved property
21 or for any other person:

22 (a) to refuse to sell, lease, or rent the housing
23 accommodation or property to a person because of actual or
24 perceived sex, marital status, race, creed, religion, color,
25 age, familial status, physical or mental handicap, or

1 national origin, or sexual orientation;

2 (b) to discriminate against a person because of actual
3 or perceived sex, marital status, race, creed, religion,
4 age, familial status, physical or mental handicap, color, or
5 national origin, or sexual orientation in a term, condition,
6 or privilege relating to the use, sale, lease, or rental of
7 the housing accommodation or property;

8 (c) to make an inquiry of the sex, marital status,
9 race, creed, religion, age, familial status, physical or
10 mental handicap, color, or national origin, or sexual
11 orientation of a person seeking to buy, lease, or rent a
12 housing accommodation or property for the purpose of
13 discriminating on the basis of sex, race, creed, religion,
14 age, familial status, physical or mental handicap, color, or
15 national origin, or sexual orientation;

16 (d) to refuse to negotiate for a sale or to otherwise
17 make unavailable or deny a housing accommodation or property
18 because of actual or perceived sex, marital status, race,
19 creed, religion, age, familial status, physical or mental
20 handicap, color, or national origin, or sexual orientation;

21 (e) to represent to a person that a housing
22 accommodation or property is not available for inspection,
23 sale, or rental because of that person's actual or perceived
24 sex, marital status, race, creed, religion, age, familial
25 status, physical or mental handicap, color, or national

1 origin, or sexual orientation when the housing accommodation
2 or property is in fact available; or

3 (f) for profit, to induce or attempt to induce a person
4 to sell or rent a housing accommodation or property by
5 representations regarding the entry or prospective entry
6 into the neighborhood of a person or persons of a particular
7 sex, marital status, race, creed, religion, age, familial
8 status, physical or mental handicap, color, or national
9 origin, or sexual orientation.

10 (2) The rental of sleeping rooms in a private residence
11 designed for single-family occupancy in which the owner also
12 resides is excluded from the provisions of subsection (1),
13 provided that the owner rents no more than three sleeping
14 rooms within the residence.

15 (3) It is an unlawful discriminatory practice to make,
16 print, or publish or cause to be made, printed, or published
17 any notice, statement, or advertisement that indicates any
18 preference, limitation, or discrimination that is prohibited
19 by subsection (1) or any intention to make or have such a
20 preference, limitation, or discrimination.

21 (4) It is an unlawful discriminatory practice for a
22 person to discriminate because of a physical or mental
23 handicap of a buyer, lessee, or renter; a person residing in
24 or intending to reside in or on the housing accommodation or
25 property after it is sold, leased, rented, or made

1 available; or any person associated with that buyer, lessee,
2 or renter:

3 (a) in the sale, rental, or availability of the housing
4 accommodation or property;

5 (b) in the terms, conditions, or privileges of a sale
6 or rental of the housing accommodation or property; or

7 (c) in the provision of services or facilities in
8 connection with the housing accommodation or property.

9 (5) For purposes of subsections (1) and (4),
10 discrimination because of physical or mental handicap
11 includes:

12 (a) refusal to permit, at the expense of the
13 handicapped person, reasonable modifications of existing
14 premises occupied or to be occupied by the handicapped
15 person if the modifications may be necessary to allow the
16 person full enjoyment of the premises, except that in the
17 case of a lease or rental, the landlord may, where it is
18 reasonable to do so, condition permission for a modification
19 on the lessor's or renter's agreement to restore the
20 interior of the premises to the condition that existed
21 before the modification, except for reasonable wear and
22 tear;

23 (b) refusal to make reasonable accommodations in rules,
24 policies, practices, or services when the accommodations may
25 be necessary to allow the person equal opportunity to use

1 and enjoy a housing accommodation or property; or

2 (c) (i) except as provided in subsection (5)(c)(ii), in
3 connection with the design and construction of a covered
4 multifamily housing accommodation, a failure to design and
5 construct the housing accommodation in a manner that:

6 (A) provides at least one accessible building entrance
7 on an accessible route;

8 (B) makes the public use and common use portions of the
9 housing accommodation readily accessible to and usable by
10 handicapped persons;

11 (C) provides that all doors designed to allow passage
12 into and within all premises within the housing
13 accommodation are sufficiently wide to allow passage by
14 handicapped persons in wheelchairs; and

15 (D) ensures that all premises within the housing
16 accommodation contain the following features of adaptive
17 design:

18 (I) an accessible route into and through the housing
19 accommodation;

20 (II) light switches, electrical outlets, thermostats,
21 and other environmental controls in accessible locations;

22 (III) reinforcements in bathroom walls to allow later
23 installation of grab bars; and

24 (IV) usable kitchens and bathrooms that allow an
25 individual in a wheelchair to maneuver about the space;

1 (ii) a covered multifamily housing accommodation that
2 does not have at least one building entrance on an
3 accessible route because it is impractical to do so due to
4 the terrain or unusual characteristics of the site is not
5 required to comply with the requirements of subsection
6 (5)(c)(i).

7 (6) For purposes of subsection (5), the term "covered
8 multifamily housing accommodation" means:

9 (a) a building consisting of four or more dwelling
10 units if the building has one or more elevators; and

11 (b) ground floor units in a building consisting of four
12 or more dwelling units.

13 (7) (a) It is an unlawful discriminatory practice for
14 any person or other entity whose business includes engaging
15 in residential real estate-related transactions to
16 discriminate because of actual or perceived sex, race,
17 creed, religion, age, familial status, physical or mental
18 handicap, color, or national origin, or sexual orientation
19 against a person in making available a transaction or in the
20 terms or conditions of a transaction.

21 (b) For purposes of this subsection (7), the term
22 "residential real estate-related transaction" means any of
23 the following:

24 (i) the making or purchasing of loans or providing
25 other financial assistance;

1 (A) for purchasing, constructing, improving, repairing,
2 or maintaining a housing accommodation or property; or

3 (B) secured by residential real estate; or

4 (ii) the selling, brokering, or appraising of
5 residential real property.

6 (8) It is an unlawful discriminatory practice to deny a
7 person access to or membership or participation in a
8 multiple-listing service; real estate brokers' organization;
9 or other service, organization, or facility relating to the
10 business of selling, leasing, or renting housing
11 accommodations or property or to discriminate against the
12 person in the terms or conditions of access, membership, or
13 participation because of actual or perceived sex, race,
14 creed, religion, age, familial status, physical or mental
15 handicap, color, or national origin, or sexual orientation.

16 (9) It is an unlawful discriminatory practice to
17 coerce, intimidate, threaten, or interfere with a person in
18 the exercise or enjoyment of or because of his the person's
19 having exercised or enjoyed or having aided or encouraged
20 any other person in the exercise or enjoyment of a right
21 granted or protected by this section.

22 (10) The prohibitions of this section against
23 discrimination because of age and familial status do not
24 extend to housing for older persons. "Housing for older
25 persons" means housing:

1 (a) provided under any state or federal program
2 specifically designed and operated to assist elderly
3 persons;

4 (b) intended for, and solely occupied by, persons 62
5 years of age or older; or

6 (c) intended and operated for occupancy by at least one
7 person 55 years of age or older per unit in accordance with
8 the provisions of 42 U.S.C. 3607(b)(2)(C) and (3) and 24
9 C.F.R. 100.304, as those sections read on October 1, 1989.

10 (11) The prohibitions of subsection (1) against
11 discrimination because of age and familial status do not
12 extend to rooms or units in dwellings containing living
13 quarters occupied or intended to be occupied by no more than
14 two families living independently of each other, if the
15 owner actually maintains and occupies one of the living
16 quarters as his the owner's residence.

17 (12) For purposes of this section, "familial status"
18 means having a child or children who live or will live with
19 a person. A distinction based on familial status includes
20 one that is based on the age of a child or children who live
21 or will live with a person."

22 **Section 5.** Section 49-2-306, MCA, is amended to read:

23 "49-2-306. Discrimination in financing and credit
24 transactions. (1) It is an unlawful discriminatory practice
25 for a financial institution, upon receiving an application

for financial assistance, to permit an official or employee, during the execution of ~~his~~ the person's duties, to discriminate against the applicant because of actual or perceived sex, marital status, race, creed, religion, age, physical or mental handicap, color, or national origin, or sexual orientation in a term, condition, or privilege relating to the obtainment or use of the institution's financial assistance, unless based on reasonable grounds.

(2) It is an unlawful discriminatory practice for a creditor to discriminate on the basis of actual or perceived race, color, religion, creed, national origin, sexual orientation, age, mental or physical handicap, sex, or marital status against any person in any credit transaction which is subject to the jurisdiction of any state or federal court of record."

Section 6. Section 49-2-307, MCA, is amended to read:

"49-2-307. Discrimination in education. It is an unlawful discriminatory practice for an educational institution:

(1) to exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student or an individual enrolled as a student in the terms, conditions, or privileges of the institution because of actual or perceived race, creed, religion, sex, marital status, color, age, physical handicap, or national origin, or sexual

orientation or because of mental handicap, unless based on reasonable grounds;

(2) to make or use a written or oral inquiry or form of application for admission that elicits or attempts to elicit information or to make or keep a record concerning the race, color, sex, marital status, age, creed, religion, physical or mental handicap, or national origin, or sexual orientation of an applicant for admission, except as permitted by regulations of the commission;

(3) to print, publish, or cause to be printed or published a catalog or other notice or advertisement indicating a limitation, specification, or discrimination based on the race, color, creed, religion, age, physical or mental handicap, sex, marital status, or national origin, or sexual orientation of an applicant for admission; or

(4) to announce or follow a policy of denial or limitation of educational opportunities of a group or its members, through a quota or otherwise, because of race, color, sex, marital status, age, creed, religion, physical or mental handicap, or national origin, or sexual orientation."

Section 7. Section 49-2-308, MCA, is amended to read:

"49-2-308. Discrimination by the state. (1) It is an unlawful discriminatory practice for the state or any of its political subdivisions:

(a) to refuse, withhold from, or deny to a person any local, state, or federal funds, services, goods, facilities, advantages, or privileges because of actual or perceived race, creed, religion, sex, marital status, color, age, physical or mental handicap, or national origin, or sexual orientation, unless based on reasonable grounds;

(b) to publish, circulate, issue, display, post, or mail a written or printed communication, notice, or advertisement which states or implies that any local, state, or federal funds, services, goods, facilities, advantages, or privileges of the office or agency will be refused, withheld from, or denied to a person of a certain race, creed, religion, sex, marital status, color, age, physical or mental handicap, or national origin, or sexual orientation or that the patronage of a person of a particular race, creed, religion, sex, marital status, color, age, or national origin, or sexual orientation or possessing a physical or mental handicap is unwelcome or not desired or solicited, unless based on reasonable grounds;

(c) to refuse employment to a person, to bar him the person from employment, or to discriminate against him the person in compensation or in a term, condition, or privilege of employment because of his the person's actual or perceived political beliefs. However, this prohibition does not apply to policymaking positions on the immediate staff

of an elected officer of the executive branch provided for in Article VI, section 1, of the Montana constitution, to the appointment by the governor of a director of a principal department provided for in Article VI, section 7, of the Montana constitution, or to the immediate staff of the majority and minority leadership of the Montana legislature.

(2) This section does not prevent the nonarbitrary consideration in adoption proceedings of relevant information concerning the factors listed in subsection (1)."

Section 8. Section 49-2-403, MCA, is amended to read:

"49-2-403. Specific limits on justification. (1) Except as permitted in 49-2-303(3) and (4) and 49-3-201(5), actual or perceived sex, marital status, age, physical or mental handicap, race, creed, religion, color, or national origin, or sexual orientation may not comprise justification for discrimination except for the legally demonstrable purpose of correcting a previous discriminatory practice.

(2) Age or mental handicap may represent a legitimate discriminatory criterion in credit transactions only as it relates to a person's capacity to make or be bound by contracts or other obligations."

Section 9. Section 49-2-602, MCA, is amended to read:

"49-2-602. Intimidation or interference in right to be free from housing discrimination -- penalties. (1) It is

1 unlawful for a person, whether or not acting under color of
2 law, by force or threat of force to purposefully or
3 knowingly injure, intimidate, or interfere with or attempt
4 to injure, intimidate, or interfere with:

5 (a) a person because of actual or perceived sex, race,
6 creed, religion, age, familial status, physical or mental
7 handicap, color, or national origin, or sexual orientation
8 and because the person is or has been:

9 (i) selling, purchasing, renting, leasing, financing,
10 or occupying or contracting or negotiating for the sale,
11 purchase, lease, rental, financing, or occupation of any
12 housing accommodation or property; or

13 (ii) applying for or participating in any service,
14 organization, or facility relating to the business of
15 selling, leasing, or renting housing accommodations or
16 property;

17 (b) a person because he the person is or has been:

18 (i) participating, without discrimination because of
19 sex, race, creed, religion, age, familial status, physical
20 or mental handicap, color, or national origin, or sexual
21 orientation in any of the activities, services,
22 organizations, or facilities described in this subsection
23 (1); or

24 (ii) affording another person or class of persons
25 opportunity or protection to participate in those

1 activities, services, organizations, or facilities; or

2 (c) a citizen because he the citizen is or has been, or
3 in order to discourage him the citizen or any other citizen
4 from, lawfully aiding or encouraging other persons to
5 participate in any of the activities, services,
6 organizations, or facilities described in this subsection
7 (1) or because he the citizen is or has been lawfully
8 participating in speech or peaceful assembly opposing any
9 denial of the opportunity to participate.

10 (2) A person who violates a provision of subsection
11 (1):

12 (a) shall be fined not more than \$1,000 or imprisoned
13 for not more than 1 year, or both;

14 (b) if bodily injury results, shall be fined not more
15 than \$10,000 or imprisoned for not more than 10 years, or
16 both; or

17 (c) if death results, shall be subject to imprisonment
18 for any term of years or for life."

19 **Section 10.** Section 49-3-201, MCA, is amended to read:

20 "49-3-201. Employment of state and local government
21 personnel. (1) State and local government officials and
22 supervisory personnel shall recruit, appoint, assign, train,
23 evaluate, and promote personnel on the basis of merit and
24 qualifications without regard to actual or perceived race,
25 color, religion, creed, political ideas, sex, age, marital

status, physical or mental handicap, or national origin, or sexual orientation.

(2) All state and local governmental agencies shall:

(a) promulgate written directives to carry out this policy and to guarantee equal employment opportunities at all levels of state and local government;

(b) regularly review their personnel practices to assure compliance; and

(c) conduct continuing orientation and training programs with emphasis on human relations and fair employment practices.

(3) The department of administration shall insure that the entire examination process, including appraisal of qualifications, is free from bias.

(4) Appointing authorities shall exercise care to insure utilization of minority group persons.

(5) Compliance with 2-2-302 and 2-2-303, which prohibit nepotism in public agencies, may not be construed as a violation of this section."

Section 11. Section 49-3-202, MCA, is amended to read:

"49-3-202. Employment referrals and placement services.

(1) All state and local governmental agencies, including educational institutions, which provide employment referrals or placement services to public or private employers shall accept job orders on a fair practice basis. A job request

indicating an intention to exclude a person because of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin, or sexual orientation shall must be rejected.

(2) All state and local governmental agencies shall cooperate in programs developed by the commission for human rights for the purpose of broadening the base of job recruitment and shall further cooperate with employers and unions providing such the programs.

(3) The department of labor and industry shall cooperate with the commission for human rights in encouraging and enforcing compliance by employers and labor unions with the policy of this chapter and promotion of equal employment opportunities."

Section 12. Section 49-3-203, MCA, is amended to read:

"49-3-203. Educational, counseling, and training programs. All educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state and local governmental agencies or in which state and local governmental agencies participate must be open to all persons, who must be accepted on the basis of merit and qualifications without regard to actual or perceived race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin, or sexual orientation.

Such The programs must be conducted to encourage the full development of the interests, aptitudes, skills, and capacities of all students and trainees, with special attention to the problems of culturally deprived, educationally handicapped, or economically disadvantaged persons. Expansion of training opportunities under these programs must be encouraged to involve larger numbers of participants from those segments of the labor force in which the need for upgrading levels of skill is greatest."

Section 13. Section 49-3-204, MCA, is amended to read:

"49-3-204. Licensing. (1) A state or local governmental agency may not grant, deny, or revoke the license or charter of a person on the grounds of actual or perceived race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin, or sexual orientation. Each state or local governmental agency shall take such appropriate action in the exercise of its licensing or regulatory power as will assure equal treatment of all persons, eliminate discrimination, and enforce compliance with the policy of this chapter. This subsection does not prevent the department of family services from licensing a child-placing agency that gives nonarbitrary consideration in adoption proceedings to relevant information concerning the factors listed in this subsection. Consideration of religious factors by a licensed

child-placing agency that is affiliated with a particular religious faith is not arbitrary consideration of religion within the meaning of this section.

(2) The state may not issue or renew a license under Title 16, chapter 4, to an applicant or licensee that excludes from its membership or from its goods, services, facilities, privileges, or advantages any individual on the grounds of actual or perceived race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin, or sexual orientation. This subsection does not apply to any lodge of a recognized national fraternal organization."

Section 14. Section 49-3-205, MCA, is amended to read:

"49-3-205. Governmental services. (1) All services of every state or local governmental agency must be performed without discrimination based upon actual or perceived race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin, or sexual orientation.

(2) No A state or local facility may not be used in the furtherance of any discriminatory practice, nor may a state or local governmental agency become a party to an agreement, arrangement, or plan which has the effect of sanctioning discriminatory practices.

(3) Each state or local governmental agency shall

1 analyze all of its operations to ascertain possible
2 instances of noncompliance with the policy of this chapter
3 and shall initiate comprehensive programs to remedy any
4 defect found to exist.

5 (4) This section does not prevent the nonarbitrary
6 consideration in adoption proceedings of relevant
7 information concerning the factors listed in this section."

8 **Section 15.** Section 49-3-206, MCA, is amended to read:

9 "49-3-206. Distribution of governmental funds. Race
10 Actual or perceived race, color, religion, creed, political
11 ideas, sex, age, marital status, physical or mental
12 handicap, or national origin, or sexual orientation may not
13 be considered as limiting factors with regard to applicants'
14 qualifications for benefits authorized by law in state or
15 locally administered programs involving the distribution of
16 funds; nor may state agencies provide grants, loans, or
17 other financial assistance to public agencies, private
18 institutions, or organizations which engage in
19 discriminatory practices."

20 **Section 16.** Section 49-3-207, MCA, is amended to read:

21 "49-3-207. Nondiscrimination provision in all public
22 contracts. Every state or local contract or subcontract for
23 construction of public buildings or for other public work or
24 for goods or services shall contain a provision that all
25 hiring must be on the basis of merit and qualifications and

1 a provision that there may not be no discrimination on the
2 basis of actual or perceived race, color, religion, creed,
3 political ideas, sex, age, marital status, physical or
4 mental handicap, or national origin, or sexual orientation
5 by the persons performing the contract."

-End-