

1 SENATE BILL NO. 195

2 INTRODUCED BY T. MCGILLVRAY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING HUMAN RIGHTS LAWS; PROVIDING THAT THE
5 INSTITUTIONAL SUPERVISION, ADMINISTRATION, CUSTODY, SECURITY, MANAGEMENT, OR
6 TREATMENT OF YOUTH OR ADULT PRISONERS DOES NOT CONSTITUTE A SERVICE, GOOD,
7 FACILITY, ADVANTAGE, OR PRIVILEGE ACTIONABLE UNDER TITLE 49, MCA; AND AMENDING
8 SECTIONS 49-2-308 AND 49-3-205, MCA."

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

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12 **Section 1.** Section 49-2-308, MCA, is amended to read:

13 **"49-2-308. Discrimination by the state.** (1) It is an unlawful discriminatory practice for the state or
14 any of its political subdivisions:

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

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

25 (c) to refuse employment to a person, to bar a person from employment, or to discriminate against a
26 person in compensation or in a term, condition, or privilege of employment because of that person's political
27 beliefs. However, this prohibition does not apply to policymaking positions on the immediate staff of an elected
28 officer of the executive branch provided for in Article VI, section 1, of the Montana constitution, to the

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

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

6 (3) The institutional supervision, administration, custody, security, management, or treatment of youth
7 or adult prisoners does not constitute a service, good, facility, advantage, or privilege under this section."

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9 **Section 2.** Section 49-3-205, MCA, is amended to read:

10 **"49-3-205. Governmental services.** (1) All services of every state or local governmental agency
11 must be performed without discrimination based upon race, color, religion, creed, political ideas, sex, age,
12 marital status, physical or mental disability, or national origin.

13 (2) A state or local facility may not be used in the furtherance of any discriminatory practice, nor may
14 a state or local governmental agency become a party to an agreement, arrangement, or plan that has the effect
15 of sanctioning discriminatory practices.

16 (3) Each state or local governmental agency shall analyze all of its operations to ascertain possible
17 instances of noncompliance with the policy of this chapter and shall initiate comprehensive programs to remedy
18 any defect found to exist.

19 (4) This section does not prevent the nonarbitrary consideration in adoption proceedings of relevant
20 information concerning the factors listed in this section.

21 (5) The institutional supervision, administration, custody, security, management, or treatment of youth
22 or adult prisoners does not constitute a service under this section."

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