

1 SENATE BILL NO. 361

2 INTRODUCED BY J. FULLER, C. GLIMM

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING DISCRIMINATION CONCERNING FIREARMS IN  
5 FINANCE, ~~INSURANCE~~, INVESTMENT, AND STATE CONTRACTS; PROVIDING A LEGISLATIVE  
6 STATEMENT OF PURPOSE REGARDING IMPLEMENTATION OF THE MONTANA CONSTITUTION BY  
7 THIS ACT; PROVIDING DEFINITIONS; PROVIDING PENALTIES; PROVIDING FOR PRIVATE  
8 ENFORCEMENT; AND PROVIDING AN APPLICABILITY DATE."

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

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12 NEW SECTION. Section 1. Purpose. The purpose of [sections 1 through ~~11~~ 10] is to prohibit  
13 discrimination against individuals, groups, associations, or businesses in matters concerning firearms, insofar  
14 as any discrimination may involve finance, lending, credit, ~~insurance~~, and state investment concerning  
15 manufacture, distribution, sale, or possession of firearms, firearm ammunition, or firearms accessories.

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17 NEW SECTION. Section 2. Legislative findings. The legislature finds as follows:

- 18 (1) The right to keep or bear arms is a natural right that the people have memorialized and  
19 reserved to themselves at Article II, section 12, of the Montana constitution.
- 20 (2) The right to keep or bear arms is a fundamental and individual right of all law-abiding adults.
- 21 (3) Discrimination because of civil or political rights is prohibited by Article II, section 4, of the  
22 Montana constitution.
- 23 (4) The right to keep or bear arms is a civil or political right within the meaning of Article II, section  
24 4, of the Montana constitution.

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26 NEW SECTION. Section 3. Definitions. As used in [sections 1 through ~~11~~ 10], unless the context  
27 clearly indicates otherwise, the following definitions apply:

- 28 (1) "Ammunition" means and includes projectiles for firearms, cartridge cases, small arms primers,

1 propellant, and any combination thereof.

2 (2) "Certificate of nondiscrimination" means a document signed by a responsible party certifying  
3 that a person or entity does not now and will not in the future discriminate against any person or entity because  
4 of firearms. A certificate of nondiscrimination may also be a paragraph in a binding contract with a person or  
5 entity certifying that a person or entity does not now and will not in the future discriminate against any person or  
6 entity because of firearms.

7 (3) "Entity" means a business, corporation, nonprofit corporation, partnership, limited liability  
8 company, or other business venture, but not an individual or sole proprietorship.(4) "Firearm" means a  
9 device intended and designed to expel one or multiple projectiles by the action of air pressure, spring power, or  
10 chemical combustion of a propellant.(5) "Firearms accessories" means any parts that may be attached to or  
11 used with firearms, including but not limited to scopes and other aiming devices, stocks, magazines, slings,  
12 parts to repair or improve firearms, written materials about firearms, computer code to make firearms or firearm  
13 parts, and other parts.

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15 **NEW SECTION. Section 4. Nondiscrimination in credit.** Any person or entity that offers financial  
16 credit or credit services and is seeking license or permission to do business in the state shall, upon application  
17 for license or permission, provide the secretary of state with a certificate of nondiscrimination. An application  
18 without a certificate of nondiscrimination is incomplete and may not be processed or accepted.

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20 **NEW SECTION. Section 5. Nondiscrimination in state investments.** An entity that does not  
21 provide a certificate of nondiscrimination for investment or reinvestment of state or state political subdivision  
22 funds is ineligible to receive, manage, invest, or reinvest such funds. The board of investments may not  
23 conclude any investment arrangement with any entity unless that entity has provided a certificate of  
24 nondiscrimination.

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26 **NEW SECTION. Section 6. State contracts.** The state and any political subdivision of the state may  
27 not enter into any contract with a provider of goods and services valued at \$100,000 or more in any calendar  
28 year unless the provider has presented a certificate of nondiscrimination.

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~~NEW SECTION. Section 7.—Insurance. The state auditor may not approve any entity for provision or sale of insurance, reinsurance, or insurance services in the state unless the entity has provided the state auditor with a certificate of nondiscrimination.~~

NEW SECTION. Section 7. Public records. The certificates of nondiscrimination required under [sections 1 through ~~44\_10~~] are public records and must be available for inspection by any member of the public during normal business hours.

NEW SECTION. Section 8. Prohibition -- penalty -- enforcement. Any entity operating in conflict with [sections 1 through ~~44\_10~~] violates the state policy of nondiscrimination. For each violation, an entity or its principal may be fined an amount not to exceed \$5,000. Each day a violation occurs or continues is a separate offense. The attorney general or any county attorney may seek orders from a district court to enforce the provisions of [sections 1 through ~~44\_10~~].

NEW SECTION. Section 9. Exclusion for employment. [Sections 1 through ~~44\_10~~] do not apply to an employer and employee contract or to workplace policies adopted by an employer.

NEW SECTION. Section 10. Private enforcement. Any person injured because of a violation of [sections 1 through ~~44\_10~~] may bring suit in district court seeking injunctive relief, compensatory damages, punitive damages, and other orders of the court to enforce the provisions of [sections 1 through ~~44\_10~~]. A plaintiff who prevails in such a suit must be awarded court costs and reasonable attorney fees.

NEW SECTION. Section 11. Codification instruction. [Sections 1 through ~~44\_10~~] are intended to be codified as an integral part of Title 30, chapter 20, and the provisions of Title 30, chapter 20, apply to [sections 1 through ~~44\_10~~].

NEW SECTION. Section 12. Saving clause. [This act] does not affect rights and duties that

1 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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3 NEW SECTION. Section 13. Severability. If a part of [this act] is invalid, all valid parts that are  
4 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
5 the part remains in effect in all valid applications that are severable from the invalid applications.

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7 NEW SECTION. Section 14. Applicability. [This act] applies to agreements and contracts entered  
8 into by the state on or after [the effective date of this act].

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AMENDED