

SENATE BILL NO. 361

INTRODUCED BY J. FULLER, C. GLIMM

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

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

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

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

(1) The right to keep or bear arms is a natural right that the people have memorialized and reserved to themselves at Article II, section 12, of the Montana constitution.

(2) The right to keep or bear arms is a fundamental and individual right of all law-abiding adults.

(3) Discrimination because of civil or political rights is prohibited by Article II, section 4, of the Montana constitution.

(4) The right to keep or bear arms is a civil or political right within the meaning of Article II, section 4, of the Montana constitution.

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

(1) "Ammunition" means and includes projectiles for firearms, cartridge cases, small arms primers, propellant, and any combination thereof.

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

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

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

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

NEW SECTION. Section 6. State contracts. The state and any political subdivision of the state may not enter into any contract with a provider of goods and services valued at \$100,000 or more in any calendar

1 year unless the provider has presented a certificate of nondiscrimination.

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

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7 NEW SECTION. Section 8. Public records. The certificates of nondiscrimination required under
8 [sections 1 through 11] are public records and must be available for inspection by any member of the public
9 during normal business hours.

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11 NEW SECTION. Section 9. Prohibition -- penalty -- enforcement. Any entity operating in conflict
12 with [sections 1 through 11] violates the state policy of nondiscrimination. For each violation, an entity or its
13 principal may be fined an amount not to exceed \$5,000. Each day a violation occurs or continues is a separate
14 offense. The attorney general or any county attorney may seek orders from a district court to enforce the
15 provisions of [sections 1 through 11].

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17 NEW SECTION. Section 10. Exclusion for employment. [Sections 1 through 11] do not apply to an
18 employer and employee contract or to workplace policies adopted by an employer.

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20 NEW SECTION. Section 11. Private enforcement. Any person injured because of a violation of
21 [sections 1 through 11] may bring suit in district court seeking injunctive relief, compensatory damages, punitive
22 damages, and other orders of the court to enforce the provisions of [sections 1 through 11]. A plaintiff who
23 prevails in such a suit must be awarded court costs and reasonable attorney fees.

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25 NEW SECTION. Section 12. Codification instruction. [Sections 1 through 11] are intended to be
26 codified as an integral part of Title 30, chapter 20, and the provisions of Title 30, chapter 20, apply to [sections
27 1 through 11].

NEW SECTION. **Section 13. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 14. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 15. Applicability.** [This act] applies to agreements and contracts entered into by the state on or after [the effective date of this act].

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