

SENATE BILL NO. 361

INTRODUCED BY J. FULLER, C. GLIMM

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING DISCRIMINATION CONCERNING FIREARMS IN FINANCE, INVESTMENTS, INSURANCE, AND STATE CONTRACTS; PROVIDING A LEGISLATIVE STATEMENT OF PURPOSE REGARDING IMPLEMENTATION OF THE MONTANA CONSTITUTION BY THIS ACT; PROVIDING DEFINITIONS; 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 ~~44~~ 9] is to prohibit discrimination against individuals, groups, associations, or businesses in matters concerning firearms, insofar as any discrimination may involve finance, lending AND 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 ~~44~~ 9], unless the context clearly indicates otherwise, the following definitions apply:

- (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.

9 (4) "Firearm" means a device intended and designed to expel one or multiple projectiles by the  
10 action of air pressure, spring power, or chemical combustion of a propellant.

11 (5) "Firearms accessories" means any parts that may be attached to or used with firearms,  
12 including but not limited to scopes and other aiming devices, stocks, magazines, slings, parts to repair or  
13 improve firearms, written materials about firearms, computer code to make firearms or firearm parts, and other  
14 parts.

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

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

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27 **NEW SECTION. Section 5. State contracts.** The state and any political subdivision of the state may  
28 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  
4 or 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 6. Public records.** The certificates of nondiscrimination required under  
8 [sections 1 through 44 9] 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 7. Prohibition -- penalty -- enforcement.** Any entity operating in conflict  
12 with [sections 1 through 44 9] 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 44 9].

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17 **NEW SECTION. Section 8. Exclusion for employment.** [Sections 1 through 44 9] 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 9. Private enforcement.** Any person injured because of a violation of  
21 [sections 1 through 44 9] may bring suit in district court seeking injunctive relief, compensatory damages,  
22 punitive damages, and other orders of the court to enforce the provisions of [sections 1 through 44 9]. A plaintiff  
23 who prevails in such a suit must be awarded court costs and reasonable attorney fees.

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25 **NEW SECTION. Section 10. Codification instruction.** [Sections 1 through 44 9] 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 44 9].

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