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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
YELLOWSTONE COUNTY

LAUREL CARED, Plaintiff, vs. STATE OF MONTANA, Defendant.	Cause No.: DV-56-2026-0000855-DK Judge: Hon. Ed Zink **DEFENDANT MONTANA BOARD OF INVESTMENTS' NOTICE OF FILING ADDITION TO RECORD**

The Montana Board of Investments files this addition to the record with the Clerk of Court in the interest of judicial economy and transparency.

The addition to the record begins at item 35 (continuing from item 34 in the Notice of Addition to Record File with the Court on September 25, 2026). The addition to the record consists of a Letter from the Montana Long-Range Planning Interim Budget Committee to the City of Laurel dated October 9, 2026:

35. October 9, 2026, Letter from Montana Long-Range Planning Interim Budget Committee to City of Laurel MT008771- 008872.

Dated this 9th day of October, 2026.

CROWLEY FLECK PLLP

By _/s/ Mason T. Dumars_____
Christopher C. Stoneback
Mason T. Dumars
Attorneys for Montana Board of Investments

Long-Range Planning Interim Budget Committee

PO BOX 201706
[redacted]706

69th Montana Legislature

SENATE MEMBERS
JOHN ESP – Vice Chair
ELLIE BOLDMAN
JOSH KASSMIER

HOUSE MEMBERS
JOHN FITZPATRICK – Chair
SCOTT ROSENZWEIG
PAUL TUSS
MIKE VINTON

COMMITTEE STAFF
ERICA THOMAS, Lead Fiscal Analyst

October 9, 2026

Mayor Kris Vogele
City Attorney Ryan Addis
Members of the Laurel City Commission
115 West First Street
Laurel, MT 59046

Ladies and Gentlemen:

This letter is sent to you on behalf of the Long-Range Planning Interim Budget Committee. It is our understanding that the City of Laurel passed Ordinance 026-03 which essentially means the City will not provide water service to the proposed new mental health facility for forensic patients. We believe that the action is discriminatory and has violated both the Federal Fair Housing and the Americans with Disabilities Acts.

Under the Fair Housing Act, it is unlawful:

> to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of...a person residing or intending to reside in that dwelling after it is made...made available... or any person associated with that buyer or renter. 42 U.S.C. 3604(f)(1).

Title II of the Americans with Disabilities Act generously mandates that "no qualified individual with a disability shall by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subject to discrimination by such entity". 42 U.S.C. 12132. Both federal statutes apply to municipal zoning decisions. See Greater New Orleans Fair House. Action Ctr. V. St Bernard Parish, 648 F. Supp. 2nd 805.808 (E.D.La.2009). The ADA also prohibits discrimination against individuals who have a record (history) of a psychiatric disability or, are regarded as having a psychiatric disability.

Cities that have discriminated against those with mental disabilities by enacting or enforcing discriminatory ordinances have found themselves in court for violations of both the Fair Housing Act and Title II of the Americans with Disabilities Act. See United States v. City of New Orleans, No. 12-2011, 2012 U.S. Dist. Lexis 173177 (E.D. La. Dec. 6, 2012). The US Department of Justice filed suit against the city for violations of both the Fair Housing Act and Title II of the Americans with Disabilities Act. New Orleans attempted to

dismiss the case but the federal court denied the motion and allowed the case to proceed against New Orleans.

We believe that the City of Laurel has intentionally discriminated against those with psychiatric and mental disabilities by passing an ordinance to deprive these people from securing access to the city's water system. This discrimination may subject Laurel to a lawsuit for violation of both the Fair Housing Act and Americans with Disabilities Act.

We urge the City of Laurel to repeal Ordinance 026-03 and provide water service to the proposed mental health center. Litigating an issue of this type benefits no one.

The 2025 Montana Legislature voted to fund the proposed facility because the state has a significant need for additional mental health beds and it thought it desirable to locate the facility in the Billings area because, as the state's most populous county, Yellowstone County sends a significant number of patients to Montana State Hospital as well as other custodial institutions operated by the State.



Rep. John Fitzpatrick
Chairman of the Long-Range Planning Interim Budget Committee

cc:
Senator Steve Daines
Senator Time Sheehy
Representative Ryan Zinke
Representative Troy Downing
Department of Commerce
Department of Natural Resources and Conservation
Department of Environmental Quality

CERTIFICATE OF SERVICE

I, Mason T. DuMars, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Filing to the following on 10-09-2026:

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Electronically signed by Clinton D. Gregory on behalf of Mason T. DuMars
Dated: 10-09-2026