

No. 35

FRATERNAL BENEFIT SOCIETIES—LODGES

Held: Any corporation, society, order, mutual life association or voluntary association, whose membership (policyholder) is limited to the members of a lodge system with ritualistic form of work and representative form of government, which makes provisions for the payment of benefits in accordance with Section 6309, and which lodge system conforms to requirements of Section 6306, Revised Codes of Montana, 1935, could qualify under proposed amendment to Senate Bill Number 105.

February 26, 1941.

Honorable Warren Toole
Chairman, Committee on Judiciary
House of Representatives
Helena, Montana

Dear Mr. Toole:

You have submitted the question whether, your committee's proposed amendment to Senate Bill No. 105 (which amends Section 6305, Revised Codes of Montana, 1935) would permit the "Grange Mutual Life Insurance Company" of Nampa, Idaho, to qualify to do business in the State of Montana.

As amended, the Bill would read as follows:

"A Bill for An Act Entitled: 'An Act to Amend Section 6305, Revised Codes of Montana, 1935, Relating to Fraternal Benefit Societies and the Definition Thereof.'

"Be It Enacted by the Legislative Assembly of the State of Montana:

"Section 1. That Section 6305, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"6305. Fraternal benefit societies defined. Any corporation, society, order, mutual life association, or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work and representative form of government or whose membership is limited to the members of a lodge system with ritualistic form of work and representative form of government, and which shall make provisions for the payment of benefits

in accordance with Section 6309, is hereby declared to be a fraternal benefit society.

"Section 2. This Act shall be in full force and effect from and after its passage and approval."

My opinion is that any corporation, society, order, mutual life association or voluntary association, with the qualifications enumerated in the Bill, whose membership (policy holder) is limited to the members of a lodge system with ritualistic form of work and representative form of government, and which makes provisions for the payment of benefits in accordance with Section 6309, and which lodge system conforms to the requirements of Section 6306, of the Revised Codes of Montana, 1935, could qualify thereunder to do business in the State of Montana.

This office has not been furnished with a copy of the prospectus of the "Grange Mutual Life Insurance Company" or of the "Grange Organization," but presumes your committee is advised in that regard and can readily ascertain if it will comply with the terms of the Bill.

Sincerely yours,

JOHN W. BONNER
Attorney General