

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 20, 1979

The sixty-fourth meeting of the Senate Judiciary Committee was called to order by Everett R. Lensink, chairman of the committee on the above date in Room 331 of the Capitol Building at 9:40 a.m.

ROLL CALL:

All members were present.

DISPOSITION OF HOUSE BILL 803:

Senator Turnage wondered why this bill is needed. Senator Brown explained that the insurance companies are passing information back and forth after they get it. Senator Towe commented that if a person is turned down by one insurance company they may be turned down by another.

Senator Anderson explained about the M.I.B., the Medical Information Bureau. He stated that they get this information now including name, birthday, and all medical history and explained that if they did away with the M.I.B., which acts as a memory bank, everybody's premium would have to go up because the insurance companies would have to insure people that misrepresent things on their application; and they feel that if they do away with confidentiality they will have to pass along the extra cost. He explained how he handled a rejection of an insurance application, stating that he goes back to the applicant and says he is sorry, they will not accept you, and if, in the case of cancer, he tells them that it is on behalf of the medical and to go talk to their doctor.

Senator Turnage moved that this bill be not concurred in. He stated that they are operating now and there is no horrible problem. Senator Towe commented that when they sign that application, they sign a consent for that information to be put in. Senator Turnage said that he would withdraw his motion if someone wants to move the bill.

Senator Lensink noted that with the use of computers, this allows much erroneous information to go into all areas and he further stated that this bill was not a doctor's bill, but was a patient's bill.

Senator Towe moved to amend the bill on page 6, line 23, by striking (e) and inserting "when otherwise ordered by a court". The motion carried unanimously.

Senator Brown moved that the bill be amended on page 3, lines 17 and 22 by striking "by" and inserting "to". The motion carried unanimously.

Senator Towe moved that the bill be amended on page 6, lines 10 and 11 by striking all the new material in its entirety and renumbering accordingly. The motion carried with Senators Brown and Anderson voting no.

Senator Anderson suggested that unless there is a real need that the committee should wait for the A.M.A. model bill.

Senator Turnage stated that the way the bill stands now, it is contrary to Rule 35-A and 35-B.

Senator Towe moved that on page 6, line 23, the bill be amended by inserting immediately after the word "when", the following material: "authorized under Rule 35 of the Montana Rules of Civil Procedure, or". The motion carried unanimously.

Senator Towe moved the amendments presented by Norm Grosfield, Administrator of the Workers' Compensation Division of the Department of Labor and Industry, which read on page 3, line 23, following: "or" strike "workers' compensation plan" and insert "to a workers' compensation insurer, the Division of Workers' Compensation, or the Workers' Compensation Judge, as is necessary in the administration of Title 39, Chapters 71 and 72. The motion carried unanimously.

Senator Towe moved that the bill be concurred in as amended. The vote carried with Senators Olson, Anderson and Galt voting no.

RECONSIDERATION OF HOUSE BILL 774:

Senator Turnage moved that we reconsider our action on House Bill 774. The motion carried unanimously.

Senator Turnage stated that his recollection of the status of the bill was that with the exception of Joan's amendments, the committee adopted the amendment on page 3, line 16, which placed a "." after cohabitation and struck the remainder of the language in subsection 13.

Senator Towe said that his recollection was contrary to that. He thought he had just put a "." after the word, "separated" and not after "cohabitation". The secretary noted what was recorded in the minutes.

Senator Turnage moved to strike all the amendments that were previously adopted in connection with this bill. The motion carried unanimously.

Senator Turnage moved that the bill be amended on page 3, line 16, following the word, "cohabitation" by inserting a "." and further amend by striking all the remaining portion of line 16, all of line 17, 18, 19, and 20.

Senator Towe made a substitute motion that the bill be amended on page 3, line 14, following the word "means", strike "whether or not", and insert "the status of" and following "person" insert "as to whether he" and further amend on page 3, line 15 following the word "separated", strike the remainder of line 15, all of lines 16, 17, 18, 19 and 20.

Senator Turnage moved that we divide the question. The motion carried.

Senator Towe moved that we adopt the first part of his amendment. The motion carried unanimously.

Senator Towe moved that we adopt the second part of his amendment.

Senator Turnage stated that it has caused a lot of problems because there is no definition of "marital status" in the law, and this is going to leave the question of whether or not two persons of the opposite sex living together has a marital status, whether "shacking up" is equal to marriage or equal to something less and he felt that that is wrong and he is opposed to the amendment.

Senator Brown said that if we strike the clause, there will still be the problem that the Human Rights Act has with saying it is illegal to discriminate on grounds of marital status. The question is going to be legitimate and involved and it is a question if cohabitation is equal to marriage, and the only way to get around this problem of cohabitation is to elevate it to the same level as marital status.

Senator Towe commented that we are talking about the Human Rights Act and this does not only go to employment, but also to public accommodations, housing, financial and credit transactions, and the right to receive certain education and he said that Indiana wants to legislate this for tax purposes.

Senator Turnage said that if you want "shacking up" equal to marriage, just say so.

Senator Lensink questioned as to whether if the committee adopted Senator Towe's amendment, would cohabitation be regarded as single. Senator Towe answered that it does not state definitely but it doesn't say it doesn't either and that one situation might be clear but not clear in another.

Senator Turnage said that the courts should have some guidance on excluding cohabitation and gave the example of a minister who was cohabitating and the congregation did not want to renew his contract and he stated that it is a problem we should address.

Senator Olson questioned as to what the definition of cohabitation is. Senator Towe replied that this is another problem - how do you define it, how do you prove sexual intercourse without invading someone's privacy.

Senator Brown commented that the federal civil rights act does include marital status and it is going to affect people's private lives. Senator Blaylock commented that he really appreciated the committee's problem but whatever definition they come up with he hoped that they would be sure that it applies to everybody and not just teachers.

Senator Brown stated that if you are going to apply Senator Turnage's amendment, that it will go across the board to everyone on employment, on education, on housing, etc.

Senator Brown further stated that this is not going to take away the problem of where the woman was fired because her husband was accused of murder.

There was much further discussion and a vote was taken on Senator Towe's motion and it carried with 6 yes votes and 4 no votes. (See Roll Call Vote)

Senator Towe moved that the bill be concurred in as amended. The motion tied on a vote of 5 to 5.

Senator Towe moved that the bill be not concurred in, as amended.

Senator Brown commented that he would support this bill for one reason. He thought the Human Rights Commission should come back and hopefully give us a recommendation as to how the word "cohabitation" should be defined.

Senator Van Valkenburg stated that there are new members on the Human Rights Commission and that this could make a difference and also that it is going to be sunsetted in two years.

Senator Towe stated that one of the things that frustrate him is that the definition does not respond to the problem where the husband is arrested for murder and the wife was fired because of that and the Commission turned it down because of marital status. Senator Brown commented that the case was disposed of on other grounds.

A vote was taken on the motion to be not concurred in as amended and passed with a vote of 6 yes votes and 4 no. (See Roll Call Vote.)

Senator Turnage requested a majority report and a minority report on this bill.

DISPOSITION OF HOUSE BILL 691:

Senator Turnage stated that this bill is a matter of economics - this is one of the things that M.P.S. uses - and

he wondered how much money would the State of Montana have to appropriate to pay for a plan like this for their employees. He stated that in two years after we have passed this bill, collective bargaining will come in to the state and want this as part of a deal to be covered for their employees. He further stated that if we are only talking about \$60.00 a year there are 15 thousand employees in the state government, that this would be a considerable sum of money.

Senator O'Hara moved that House Bill 691 be not concurred in.

Senator Anderson stated that he felt the same way that Senator Turnage did; that this is only one more thing the unions will insist on to be added for their employees and he felt that legal fees are one area where they have been raised the least and that people are now better able to buy legal services.

The motion to not be concurred in passed with Senators Brown, Van Valkenburg and Healy voting no.

DISPOSITION OF HOUSE BILL 708:

Senator Turnage moved that this bill be not concurred in.

Senator Brown stated that he is convinced that the right to drive a car is a fundamental right.

Senator Turnage stated that we should look at the alternatives under this bill - either the individual must buy the insurance, he must quit driving or he will go to jail and that is the way the bill reads. It also could involve millions of dollars for legal fees and in addition to that some of the insurance companies love it - under criminal penalties they are going to get premiums and going to rate up everybody. He further stated that in Spokane and in Idaho this has been an administrative nightmare and they claim that it is impossible to administer - a person will buy an insurance policy for a month or two, and then let it lapse and next year go through the whole process again. He read a letter from Underwriter Bill Ellis of the Unigard Insurance Company Branch Office in Spokane, Washington. (See Exhibit A.)

Senator Anderson advised the committee that uninsured motorist coverage costs approximately \$6.00 a year and that most people carry comprehensive insurance which covers them in case of an accident and he stated that he did not think that you can take cars away from people in that they have to get around.

Senator Lensink questioned as to what happens if a person does not have insurance and Senator Turnage said that they go to jail or they quit driving.

Senator Turnage read a letter from Jack R. Carlson, Administrator of Economic Assistance Division of the Social and Rehabilitation Services of Helena, Montana. (See Exhibit B.)

Senator Towe stated that at the present time in the state of Montana, a person is allowed to have one accident free and then you have to prove financial responsibility. He further said that they cannot withdraw your driver's license without a hearing and that there are an awful lot of people driving on the roads today without insurance. He felt that they should at least have sufficient coverage to make sure that if they cause harm to someone that they are not going to suffer and that a lot of people get hurt and get hurt bad.

Senator Anderson commented that the state has already addressed the problem in that we have tougher penalties for driving under the influence and this has not lightened the problem in that area, and he felt that what was already on the books was not working.

Senator Turnage commented that this would be a boom for the attorneys in that every time there was a fenderbender, there is a pocket to get into.

Representative Pistoria stated that he would not have taken this on if he felt this would be a burden to the state.

Senator Van Valkenburg questioned as to how many people are uninsured that are driving on the highways of Montana.

W. Boyce Clarke, legislative counsel for the Independent Insurance Agents of Montana stated that the highway patrol felt that it was as high as 40 percent of the drivers.

Senator Van Valkenburg said that certainly 40 percent of the people cannot be on welfare and there must be a lot of people who should have insurance.

Senator Turnage wondered where they got the figures from - was this word of mouth or a report from an insurance company. He stated that that kind of testimony is ridiculous.

Senator Turnage moved that the bill be not concurred in. The motion carried with a vote of 6 yes and 4 no. (See Roll Call Vote.)

RECONSIDERATION OF HOUSE BILL 338:

Senator Turnage noted that there has been no evidence to indicate that the people have been abused under existing law. Senator Towe asked him to note the date of the Supreme Court decision which was May, 1978 and there has not been enough time to have many repercussions.

Senator Lensink suggested that the committee review the case.


Senator Turnage stated that the Supreme Court held that the fourth amendment applies to business and not just homes and also applies to administrative regulation control and he felt that the employer's reasonable expectation of privacy does apply in the fourth amendment. He further explained that now you have to have a warrant unless it is a business that is so persuasive of inspection and if that does not apply, then that business establishment can insist on a search warrant.

Senator Towe explained the three things that must be followed in order to obtain a search warrant and stated that we do not have any law authorizing a warrant except in criminal matters with a probable cause.

Senator Turnage commented that there has been no evidence that they have been denied these and Senator Van Valkenburg said that there has and Senator Brown stated that he thought the health department has run into problems

Senator Lensink suggested that the committee members read the Supreme Court decision on Marshall vs. Barlow and that we will take this bill up tomorrow.

There being no further business, the meeting adjourned at 11:20 a.m.



SENATOR EVERETT R. LENSINK, Chairman
Senate Judiciary Committee

Date 3/20/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)	✓		

Each Day Attach to Minutes.

Patrick E. Melby

ATTORNEY AT LAW
DIAMOND BLOCK BUILDING
P. O. BOX 1721
HELENA, MONTANA 59601
TEL: (406) 443-5554

March 15, 1979

Senator Everett Lensink, Chairman
Senate Judiciary Committee
State Capitol
Helena, Montana 59601

RE: HOUSE BILL NO. 708

Dear Senator Lensink:

As you know, I am lobbying for the Alliance of American Insurers, a trade association consisting largely of mutual property and casualty insurance companies.

The Alliance supports House Bill No. 708, introduced by Representative Paul Pistoria, which was referred to your Committee from the Senate Highways Committee.

H.B. No. 708 would require that the owner of a motor vehicle have liability insurance as a condition of operation of the motor vehicle upon a public highway.

The problem of the absence of liability protection for owners of motor vehicles and for those who are injured by uninsured motorists has been recognized for some time. In the past several Legislative Sessions, several bills have been introduced to attempt to remedy this problem. Those have been either no-fault motor vehicle insurance bills or other mandatory motor vehicle liability bills. Those bills have died largely of their own weight because of their length and complexity. House Bill No. 708 is a simple and straightforward solution to this problem. It simply requires that an applicant for registration of a motor vehicle certify to the County Treasurer of the existence of automobile liability insurance or some other liability protection. If it was later found that the individual did not have protection from liability, that individual would be guilty of a misdemeanor.

This Bill, if enacted, would place the burden of enforcement on the owner of a motor vehicle and not on some state agency. House Bill No. 708 protects not only an individual who suffers bodily or property damage resulting from the operation of a motor vehicle which is not covered by liability insurance, but would also protect the owner of such automobile from potential jury awards which may be economically devastating.

I urge the Senate Judiciary Committee to recommend that House Bill No. 708 do pass.

Sincerely,

Patrick E. Melby
PATRICK E. MELBY
Attorney at Law

The Big Sky Country



STATE OF MONTANA
SOCIAL AND REHABILITATION SERVICES

P.O. BOX 4316
HELENA, MONTANA 59601

THOMAS L. JUDGE
GOVERNOR

PATRICK E. MELBY
DIRECTOR

March 9, 1979

State Representative Paul Pistoria
House of Representatives
Capitol
Helena, MT 59601

Dear Representative Pistoria:

Thank you for taking time to meet with me and my staff regarding House Bill 708 to discuss your concern for welfare recipients ability to meet the auto insurance requirement. Currently we allow mileage in the amount of 9¢ per mile for working welfare recipients. I would assume that they would have to take the cost of insurance and licensing out of this 9¢ a mile work allowance.

Also, for clarification, we discussed the fact that the Compulsory Auto Insurance would save an unspecified amount for the Medicaid Program. Every year there are some individuals who are forced to apply for Medicaid as a result of an automobile injury which was not covered by insurance.

I hope this answers your questions. If I can provide further information, please contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jack R. Carlson".

Jack R. Carlson, Administrator
Economic Assistance Division

JRMc/jls

Exhibit B

INDEPENDENT INSURANCE AGENTS OF MONTANA

13 March 1979



W. BOYCE CLARKE
Legislative Counsel

Telephone (406) 442-6778
3124 Vigilante Drive
HELENA, MONTANA 59601

Senator Everett Lensink, Chairman
Senate Judiciary Committee
Montana Senate
Helena, Montana

HOUSE BILL NO. ²798 - Compulsory Automobile Liability Insurance

Senator Lensink, Representative Pistoria has requested that I write to you and your Committee concerning the position of my people on the subject treated in the above bill.

Just before this Legislative Session, I accompanied members of the Consumer-Governmental Affairs Committee of the Independent Insurance Agents of Montana on a trip around the entire state. We met with a total of 57 Legislators in ten communities. At each meeting, the one issue that seemed to have constituent priority was the subject of compulsory automobile liability insurance. This form of legislation has been proposed on several occasions without success, primarily because of the high fiscal cost of supervision and enforcement as well as the veritable paper blizzard it engendered.

We learned of the Idaho Compulsory Law from several sources, including Representative Pistoria. Upon considerable investigation, we learned the Idaho law was self certifying, uncomplicated, inexpensive to activate, and best of all, seems to be working. House Bill No. 708 is the adaptation of the Idaho law.

While this bill probably isn't perfect, we believe it is a good way to recognize the thorny problem and satisfy the constituent demand.

Thank you.

A handwritten signature in cursive script, appearing to read "W. Boyce Clarke".
W. Boyce Clarke

REC'D. FILE. MAR. 8, 1978
Aubrey Pistoria

Representative Pistoria

House Bill 708

Following your call today regarding Senator Turnage's question about who was going to pay the liability insurance premiums for welfare recipients if the coverage becomes compulsory.

Through Mayo Ashley, I checked with the head of SRS here in Helena and the District Supervisor in Great Falls. Both men were aware of the bill but hadn't related to question of how the premiums would be paid, except they presumed that such premiums would have to be included in the auto budget just the same as they would have to include the cost of licensing and registering the car and providing fuel and other services for the car.

I also checked with a Phyllis Brant of the Idaho Department of Law Enforcement in Boise and her response was that welfare auto owners were treated just the same as any other registrant of a motor vehicle and there had been no problem in her department whatsoever. Her phone number is (208) 384-2586 if anyone would like to confirm this statement.

I am going to be out of Helena Friday and Saturday and will return Sunday afternoon. In the meantime, Mayo Ashley has been alerted to help you further if needed while I am away. His phone at the office is 442-3100 and at home it is 442-7266.

Mayo Ashley



NATIONAL
RETIRED
TEACHERS
ASSOCIATION



AMERICAN
ASSOCIATION
OF RETIRED
PERSONS

MONTANA JOINT STATE LEGISLATIVE COMMITTEE

CHAIRMAN

Mr. Arthur L. Jacobson
2908 7th Avenue South
Great Falls, MT 59405
(406) 452-5526

VICE CHAIRMAN

Mr. Mark Jennings
2537 Olofson Drive
Missoula, MT 59801
(406) 543-7948

SECRETARY

Mr. T. H. Brekke
304 Pueblo Drive
Billings, MT 59102
(406) 656-3613

Helena, Montana
March 14, 1979

LEGISLATIVE TASK FORCE

Mrs. Genevieve Adair
1014 Bedford
Helena, MT 59601
(406) 442-6773

Representative Paul Pistoria:

Mr. Ralph C. Henry
P.O. Box 993
Helena, MT 59601
(406) 442-3289

There are 114,460 people in Montana over the age of 60. 42,810 of them belong to either the NRTA or AARP.

Mr. Arnold G. Erickson
1006 Allison Avenue
Helena, MT 59601
(406) 442-8598

Mr. Tom Ryan
2604 n. Cooke
Helena, Mt.
442-8999

One of the principal goals of this group is to urge the Legislature to improve Montana's Motor Vehicle Financial Responsibility Law.

H.B. 708 introduced by you and others meets these concerns of the Senior Citizens. We support H.B. 708 and give you permission to express our views and urge the Judiciary Committee of the Senate to support H.B. 708 with a favorable vote in the Committee and on the floor of the Senate.

Thank you for allowing us to express our views.

Genevieve S. Adair
Genevieve S. Adair

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NATIONAL
RETIRED
TEACHERS
ASSOCIATION



AMERICAN
ASSOCIATION
OF RETIRED
PERSONS

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COMPULSORY AUTOMOBILE LIABILITY INSURANCE

Fact Sheet

The first automobile bodily injury liability insurance was issued in the U.S. in 1898. During the 1970's financial responsibility laws were enacted in a number of states in the wake of the magnitude of automobile hazards in terms of deaths and personal injuries.

Financial responsibility laws sprang from public recognition that an injured person's right to recovery in a law suit was illusory unless the judgment awarded was actually paid.

By 1971 all states had financial responsibility laws; but a 1971 U.S. Supreme Court decision struck down provisions revoking driver's licenses of uninsured motorists. Due process was violated because motorists were stripped of their licenses without an opportunity to show they were not negligent.

Nevertheless, financial responsibility of motorists remains an important concern. The California Supreme Court for example, has ruled:

"The entire financial responsibility law must be liberally construed to foster its main objective of giving monetary protection to that ever changing and tragically large group of persons who, while lawfully using the highways themselves, suffer grave injury through the negligent use of those highways by others." (Inter Insurance Exchange of Automobile Club of Southern California v. Ohio Casualty Insurance Co., 58 Cal. 2d 142, 373 P. 2d 640).



The Big Sky Country

MONTANA STATE SENATE

COMPULSORY AUTO INSURANCE

H B 7056

Underwriter Bill Ellis, Unigard Insurance Co., Branch Office, Spokane:

"The Idaho experience has been an administrative nightmare. The Idaho Department is unable to, in any way, keep up with lapsed policies or non-renewals. The act seems to be impossible to administer."

Dean Berretto, Home Office Auto Department, Northwest Casualty, Seattle:

"New York and North Carolina both have compulsory auto insurance laws and have found them to be administrative headaches with many, many problems. People will buy an insurance policy with a term of only one month or two, show the identification card to get their driver's license and then let the policy lapse and go eleven months without insurance. Next year, they go through the same exercise."

"Elderly persons, because of age, pay a higher premium for their insurance and in most instances, it is a real financial burden."

"When everyone is insured, the attitude seems to be - 'let's sue them. These big companies have a lot of money.' Many fender benders become law suits and while many do not result in judgments, the legal expense becomes horrendous and results in higher premiums for every insurance buyer."

Turney

SENATE COMMITTEE JUDICIARY

Date _____ Bill No. 803 Time 10:15

NAME	YES	NO
Lensink, Everett R., Chr. (R)	✓	
Olson, S. A., V. Chr. (R)		✓
Turnage, Jean A. (R)	✓	
O'Hara, Jesse A. (R)	✓	
Anderson, Mike (R)		✓
Galt, Jack E. (R)		✓
Towe, Thomas E. (D)	✓	
Brown, Steve (D)	✓	
Van Valkenburg, Fred (D)	✓	
Healy, John E. (Jack) (D)	✓	
	2	3

Secretary _____

Chairman _____

Motion: As presented in bill book

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARY

Date _____ Bill No. 274 Time 10:46

NAME	YES	NO
Lensink, Everett R., Chr. (R)	✓	
Olson, S. A., V. Chr. (R)		✓
Turnage, Jean A. (R)		✓
O'Hara, Jesse A. (R)		✓
Anderson, Mike (R)	✓	
Galt, Jack E. (R)		✓
Towe, Thomas E. (D)	✓	
Brown, Steve (D)	✓	
Van Valkenburg, Fred (D)	✓	
Healy, John E. (Jack) (D)	✓	
	6	4

Secretary _____ Chairman _____

Motion: Senators Towe and Anderson

(include enough information on motion--put with yellow copy of committee report.)

(H)

SENATE COMMITTEE JUDICIARY

Date _____ Bill No. 724 Time 10:46

NAME	YES	NO
Lensink, Everett R., Chr. (R)	✓	
Olson, S. A., V. Chr. (R)		✓
Turnage, Jean A. (R)		✓
O'Hara, Jesse A. (R)		✓
Anderson, Mike (R)	✓	
Galt, Jack E. (R)		✓
Towe, Thomas E. (D)	✓	
Brown, Steve (D)	✓	
Van Valkenburg, Fred (D)	✓	
Healy, John E. (Jack) (D)	✓	
	8	4

Secretary _____

Chairman _____

Motion: Re not concurred in

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARY

Date 3/27/79 Bill No. 208 Time 11:16

NAME	YES	NO
Lensink, Everett R., Chr. (R)	✓	
Olson, S. A., V. Chr. (R)	✓	
Turnage, Jean A. (R)	✓	
O'Hara, Jesse A. (R)	✓	
Anderson, Mike (R)	✓	
Galt, Jack E. (R)	✓	
Towe, Thomas E. (D)		✓
Brown, Steve (D)		✓
Van Valkenburg, Fred (D)		✓
Healy, John E. (Jack) (D)		✓
	6	4

Secretary _____

Chairman _____

Motion: Be asit concurred in

(include enough information on motion--put with yellow copy of committee report.)

HOUSE BILL 803

Recommend that House Bill 803 be amended as follows:

1. Page 3, line 22.

~~Strike:~~
Following: "by"
Insert: "to"

2. Page 3, line 23.

Following: "or"
Strike: "workers' compensation plan"
Insert: "to a workers' compensation insurer,
the Division of Workers' Compensation,
or the Workers' Compensation Judge,
as is necessary in the administration
of Title 39, Chapters 71 and 72."

3-20-79

HB 774 (Be Not Concurred in)

1. Title, lines ^{6 and} ~~11 through~~ 7.

Following: ~~the word~~ line 5 "STATUS" on line 7

Strike: ~~remainder of line 1 through "7" status on line 7~~

~~Insert "PROVIDE AN EXCEPTION TO THE PROHIBITION
ON DISCRIMINATION IN EMPLOYMENT BASED ON
MARITAL STATUS IN CERTAIN LIMITED
CIRCUMSTANCES, AMENDING SECTIONS 19-2-101
AND 19-2-303."~~

2. Page 3, line 14.

Following: "means"

Strike: "whether or not"

Insert: "the status of"

Following: "person"

Insert: "as to whether be"

3. Page 3, lines 15 through 20.

Following: "separated" on line 15

Strike: remainder of line 15 through "law" on line 20.

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HB 774

1. Title, lines 4 through 7.

Following: "TO" on line 4

Strike: remainder of line 4 through "49-2-101 on line 7

Insert: "PROVIDE AN EXCEPTION TO THE PROHIBITION
ON DISCRIMINATION IN EMPLOYMENT BASED ON
MARITAL STATUS IN CERTAIN LIMITED
CIRCUMSTANCES; AMENDING SECTIONS 49-2-101
AND 49-2-303"

2. Page 3, line 14.

Following: "means"

Strike: "whether or not"

Insert: "the status of"

Following: "person"

Insert: "as to whether he"

3. Page 3, lines 15 through 20.

Following: "separated" on line 15

Strike: remainder of line 15 through "law" on line 20.

4. Page 5.

Following: line 3

Insert: "Section 2. Section 49-2-303, MCA, is amended to read:

49-2-303. Discrimination in employment. (1) It is an unlawful discriminatory practice for:

(a) an employer to refuse employment to a person, to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his race, creed, religion, marital status, color, or national origin or because of his age, physical or mental handicap, or sex when the reasonable demands of the position do not require an age, physical or mental handicap, or sex distinction;

(b) a labor organization or joint labor management committee controlling apprenticeship to exclude or expel any person from its membership or from an apprenticeship or training program or to discriminate in any way against a member of or an applicant to the labor organization or an employer or employee because of race, marital status, creed, religion, color, or national origin or because of his age, physical or mental handicap, or sex when the reasonable demands of the program do not require an age, physical or mental handicap, or sex distinction;

(c) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication or to use an employment application which expresses, directly or indirectly, a limitation, specification, or discrimination as to sex, marital status, age, physical or mental handicap, race, creed, religion, color, or national origin or an intent to make the limitation, unless based upon a bona fide occupational qualification;

(d) an employment agency to fail or refuse to refer for employment, to classify, or otherwise to discriminate against any individual because of sex, marital status, age, physical or mental handicap, race, creed, religion, color, or national origin, unless based upon a bona fide occupational qualification.

(2) The exceptions permitted in subsection (1) based on bona fide occupational qualifications shall be strictly construed.

kept as
provided
subsection (3),

(3) An employer may develop a policy with respect to a particular position requiring the refusal of employment or dismissal of a person who is cohabiting with an unrelated person of the opposite sex if such cohabitation would have a material adverse effect on performance in the position.

HB 803

1. Page 3, line 17.
Following: "(d)"
Strike: "by"
Insert: "to"
2. Page 3, line 22.
Following: "(c)"
Strike: "by"
Insert: "to"
3. Page 3, lines 23, ~~and 24~~
Following: "or" ~~with the following~~
~~Strike: "to a"~~
Insert: "to a"
4. Page 3, line 24.
Following: "compensation"
Strike: "plan"
Insert: "insures, the division of workers' compensation, or the workers' compensation judges, as is necessary in the administration of Title 39, chapters 71 and 72"
5. Page 6, lines 10 and 11.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

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HB 803 (continued)

6. Page 6, line 23.

Following: "(c)"

Strike: "transaction pursuant to [unclear]"

Insert: "when required by Rule 3
otherwise ordered by a court"

STANDING COMMITTEE REPORT

March 21

19 79

MR. President

We, your committee on Judiciary

having had under consideration House Bill No. 803

Anderson (Towa)

Respectfully report as follows: That House Bill No. 803,

third reading bill, be amended as follows:

1. Page 3, line 17.

Following: "(d)"

Strike: "by"

Insert: "to"

2. Page 3, line 22.

Following: "(e)"

Strike: "by"

Insert: "to"

3. Page 3, line 23.

Following: "or"

Insert: "to a"

~~YDGPASSY~~

(Continued)

4. Page 3, line 24.

Following: "compensation"

Strike: "plan"

Insert: "insurer, the division of workers' compensation, or the workers' compensation judge, as is necessary in the administration of Title 39, chapters 71 and 72"

5. Page 6, lines 10 and 11.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

6. Page 6, line 23.

Following: "(e)"

Strike: "to an action pursuant to [section 7]"

Insert: "when required by Rule 35, M.R.Civ.P., or otherwise ordered by a court"

And, as so amended,
BE CONCURRED IN

PA.

STANDING COMMITTEE REPORT

.....March 21..... 19...77...

MR.President:.....

minority
We, your ~~majority~~ committee onJudiciary.....

having had under considerationHouse..... Bill No.774...

Respectfully report as follows: That.....House..... Bill No.774.

third reading bill, be amended as follows:

1. Title, lines 6 and 7.

Following: line 5

Strike: line 6 through "STATUS" on line 7

2. Page 3, line 14.

Following: "means"

Strike: "whether or not"

Insert: "the status of"

Following: "person"

Insert: "as to whether he"

3. Page 3, lines 15 through 20.

Following: "separated" on line 15

Strike: remainder of line 15 through "law" on line 20.

DOWPASSX

March 21, 19 79

Minority Committee of Judiciary
Hb 774
Page Two

And, as so amended,
BE CONCURRED IN

GA

Sen. S. A. Olson

Sen. Jean A. Turnage

Sen. Jesse A. O'Hara

Sen. Jack E. Galt

STANDING COMMITTEE REPORT

March 21

19 77

MR. President:

majority

We, your Committee on Judiciary

having had under consideration House Bill No. 774

Respectfully report as follows: That House Bill No. 774

third reading bill, be amended as follows:

1. Title, lines 6 and 7.

Following: line 5

Strike: line 6 through "STATUS" on line 7

2. Page 3, line 14.

Following: "means"

Strike: "whether or not"

Insert: "the status of"

Following: "person"

Insert: "as to whether he"

DO PASS

March 21 19 72

Majority Committee on Judiciary
HB 774
Page Two

3. Page 3, lines 15 through 20.
Following: "separated" on line 15
Strike: remainder of line 15 through "law" on line 20.

And, as so amended,
BE NOT CONCURRED IN

P.A.

Sen. Everett R. Lentsink

Sen. Mike Anderson

Sen. Thomas E. Towe

Sen. Steve Brown

FOI 1001
Sen. Fred Van Valkenburg

Sen. John E. Healy

STANDING COMMITTEE REPORT

March 21, 1972

MR. President:

We, your committee on Judiciary

having had under consideration House Bill No. 591

Respectfully report as follows: That House Bill No. 591

BE NOT CONCURRED IN
DO-PASS* 96

STANDING COMMITTEE REPORT

March 21, 19 72

MR. President:

We, your committee on Judiciary

having had under consideration House Bill No. 702

Respectfully report as follows: That House Bill No. 703

BE NOT CONCURRED IN

Fl.

DO-PASS-