

HB 57      INTRODUCED BY SALES  
PROHIBITING PREFERENCES AND ADDING AGE AS  
NONDISCRIMINATION CLASSIFICATION

1/05    INTRODUCED  
1/05    REFERRED TO JUDICIARY  
1/31    FISCAL NOTE REQUESTED  
2/09    FISCAL NOTE RECEIVED  
2/17    HEARING  
2/20    TABLED IN COMMITTEE

1                    HOUSE    BILL NO.   57  
2   INTRODUCED BY   SALES

3  
4   A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING AGE IN THE  
5   NONDISCRIMINATION PROVISION OF ARTICLE II, SECTION 4, OF THE  
6   MONTANA CONSTITUTION; PROHIBITING PREFERENTIAL TREATMENT OF  
7   ANY PERSON BASED ON RACE, COLOR, SEX, CULTURE, SOCIAL ORIGIN  
8   OR CONDITION, POLITICAL OR RELIGIOUS IDEAS, OR AGE; AMENDING  
9   ARTICLE II, SECTION 4, OF THE MONTANA CONSTITUTION;  
10   PROVIDING NOTICE OF A TWO-THIRDS VOTE REQUIREMENT; PROVIDING  
11   AN EFFECTIVE DATE; AND SUBMITTING THE AMENDMENT TO THE  
12   ELECTORATE."

13  
14   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15        Section 1. Article II, section 4, of The Constitution  
16   of the State of Montana is amended to read:

17        "Section 4. Individual dignity. The dignity of the  
18   human being is inviolable. No person shall be denied the  
19   equal protection of the laws. Neither the state nor any  
20   person, firm, corporation, or institution shall discriminate  
21   against or give preferential treatment to any person in the  
22   exercise of his civil or political rights on account of  
23   race, color, sex, culture, social origin or condition, or  
24   political or religious ideas, or, except as otherwise  
25   provided in this constitution, age."

1        NEW SECTION. Section 2. Vote required. Because  
2   section 1 amends The Constitution of the State of Montana, a  
3   vote of two-thirds of all the members of the legislature is  
4   required for enactment of section 1.

5        NEW SECTION. Section 3. Effective date. If approved  
6   by the electorate, this amendment is effective December 1,  
7   1988.

8        NEW SECTION. Section 4. Submission to electorate.  
9   This amendment shall be submitted to the electors of Montana  
10   at the general election to be held November 8, 1988, by  
11   printing on the ballot the full title of this act and the  
12   following:

13         FOR adding age to the antidiscrimination provision  
14        in Article II, section 4, of the Montana  
15        Constitution and for prohibiting preferential  
16        treatment of any person in the exercise of his civil  
17        or political rights on account of race, color, sex,  
18        culture, social origin or condition, political or  
19        religious ideas, or age.

20         AGAINST adding age to the antidiscrimination  
21        provision in Article II, section 4, of the Montana  
22        Constitution and against prohibiting preferential  
23        treatment of any person in the exercise of his civil  
24        or political rights on account of race, color, sex,  
25        culture, social origin or condition, political or



-2-        INTRODUCED BILL  
              HB-57

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1 religious ideas, or age.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB057, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act including age in the non-discrimination provision of Article II, Section 4, of the Montana Constitution; prohibiting preferential treatment of any person based on race, color, sex, culture, social origin or condition, political or religious ideas, or age; amending Article II, Section 4, of the Montana Constitution; providing an effective date; and submitting the amendment to the electorate.

ASSUMPTIONS:

1. The proposed bill will have no fiscal impact. Fiscal impact would occur if the constitutional amendment were passed by voters.

FISCAL IMPACT:

None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

If the constitutional amendment were to be adopted, a significant number of state programs would have to be revised with the potential of significant impacts, for example: All the state retirement systems "discriminate" on the basis of age. Older retirees receive unreduced retirement amounts, younger retirees have their retirement reduced based on age. Retirement laws would have to be rewritten or higher benefits paid to younger retirees. SRS has numerous programs that provide benefits on the basis of age and income. Those benefits would have to be provided all individuals who met the income criteria regardless of age at additional costs or the benefit level would have to be reduced. It is impossible to quantify the potential costs.

 DATE 2/3/87  
DAVID L. HUNTER, BUDGET DIRECTOR

Office of Budget and Program Planning

DATE \_\_\_\_\_  
WALTER SALES, PRIMARY SPONSOR

Fiscal Note for HB057, as introduced.

**HB 57**