

HOUSE BILL NO. 519

INTRODUCED BY O'CONNELL, QUILICI, PISTORIA, THOMAS,
KOEHNKE, C. SMITH, JONES, MCCORMICK, BACHINI, HOFFMAN,
PAVLOVICH, STRATFORD, POULSEN, SWYSGOOD, GILBERT, GOULD,
KITSELMAN, NATHE, WALLIN, MEYERS, PETERSON, REHBERG,
ROTH, PHILLIPS, PATTERSON, HAGER, MANUEL, E. SMITH,
TVEIT, HAYNE, CAMPBELL, SALES, MENKE, ELLISON, MARKS,
FARRELL, COMPTON, WINSLOW, GIACOMETTO, SWIFT, DEVLIN,
HANNAH, IVERSON, MILLER, HOFMAN, MEYER, GALT, MCLANE,
DONALDSON, THAYER, HAMMOND, BISHOP, KELLER, SEVERSON

IN THE HOUSE

JANUARY 28, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & LABOR.

FEBRUARY 13, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 14, 1987 PRINTING REPORT.

FEBRUARY 16, 1987 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 17, 1987 ENGROSSING REPORT.

FEBRUARY 18, 1987 THIRD READING, PASSED.
AYES, 61; NOES, 37.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 19, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & INDUSTRY.

MARCH 24, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 27, 1987 SECOND READING, CONCURRED IN.

MARCH 30, 1987 THIRD READING, CONCURRED IN.
AYES, 28; NOES, 22.

RETURNED TO HOUSE.

MARCH 31, 1987

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 *House* BILL NO. *519* *Thomas*
 2 INTRODUCED BY *Richard Campbell* *Julia Pistoria*
 3 *Fuchs* *McManis* *Bachner* *Carlo* *Boesen*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS OF MONTANA
 5 RELATING TO DISCRIMINATION IN INSURANCE AND RETIREMENT
 6 PLANS; LIMITING THE PROHIBITION AGAINST DISCRIMINATION ON
 7 THE BASIS OF SEX OR MARITAL STATUS TO THE ISSUANCE OF
 8 AVAILABILITY OF INSURANCE; REPEALING SECTION 49-2-309, MCA,
 9 AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE
 10 EFFECTIVE DATE." *Meyer* *Balt* *McDon* *Smaller* *Philly*
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Discrimination on the basis of sex or
 13 marital status. No insurer may refuse to insure, refuse to
 14 continue to insure, or limit the amount of coverage
 15 available to an individual because of the sex or marital
 16 status of the individual. However, nothing in this section
 17 prohibits an insurer from:
 18 (1) taking marital status into account for the purpose
 19 of defining persons eligible for dependent benefits;
 20 (2) excluding coverage for pregnancy, except for
 21 complications of pregnancy; or
 22 (3) making distinctions on the basis of sex or marital
 23 status when bona fide statistical differences in risk or
 24 exposure have been substantiated.
 25

1 Section 2. Repealer. Section 49-2-309, MCA, is
 2 repealed.
 3 Section 3. Extension of authority. Any existing
 4 authority of the commissioner of insurance to make rules on
 5 the subject of the provisions of this act is extended to the
 6 provisions of this act.
 7 Section 4. Codification instruction. Section 1 is
 8 intended to be codified as an integral part of Title 33,
 9 chapter 18, part 2, and the provisions of Title 33, chapter
 10 18, part 2, apply to section 1.
 11 Section 5. Applicability. This act applies to
 12 insurance policies delivered or issued for delivery in this
 13 state on or after [the effective date of this act] but does
 14 not apply to any policy provision which, pursuant to a
 15 policy issued before [the effective date of this act], is
 16 applicable after that date.
 17 Section 6. Effective date. This act is effective on
 18 passage and approval.

-End-



STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB519, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the laws relating to discrimination in Insurance and Retirement Plans; limiting the prohibition against discrimination on the basis of sex or marital status to the Issuance or Availability of Insurance.

FISCAL IMPACT:

None.

David L. Hunter DATE 2/2/87

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Helen O'Connell DATE _____
HELEN O'CONNELL, PRIMARY SPONSOR

Fiscal Note for HB519, as introduced.

HB-519

APPROVED BY COMM. ON BUSINESS AND LABOR

1 *House* BILL NO. *519* *Thomas*
 2 INTRODUCED BY *Richard Campbell* *Emily Victoria*
 3 *Fyehake - McFarland* *Bashini* *Carlo* *Carlson*
 4 A BILL FOR AN ACT, ENTITLED, "AN ACT REVISING THE LAWS *STAFFORD*
 5 RELATING TO DISCRIMINATION IN INSURANCE AND RETIREMENT *Supper*
 6 PLANS; LIMITING THE PROHIBITION AGAINST DISCRIMINATION ON *Wallen*
 7 THE BASIS OF SEX OR MARITAL STATUS TO THE ISSUANCE OF *Admeyer*
 8 AVAILABILITY OF INSURANCE; REPEALING SECTION 49-2-309, MCA; *Redman*
 9 AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE *Roth*
 10 EFFECTIVE DATE." *Meyer* *Nalt* *McLean* *Smullen* *Philly*
 11 *Stacy* *Hammond* *Bishop* *Sawyer* *Hager*
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *Manue*
 13 Section 1. Discrimination on the basis of sex or *Smith*
 14 marital status. No insurer may refuse to insure, refuse to *Trent*
 15 continue to insure, or limit the amount of coverage
 16 available to an individual because of the sex or marital
 17 status of the individual. However, nothing in this section
 18 prohibits an insurer from:
 19 (1) taking marital status into account for the purpose
 20 of defining persons eligible for dependent benefits;
 21 (2) excluding coverage for pregnancy, except for
 22 complications of pregnancy; or
 23 (3) making distinctions on the basis of sex or marital
 24 status when bona fide statistical differences in risk or
 25 exposure have been substantiated.

1 Section 2. Repealer. Section 49-2-309, MCA, is
 2 repealed.
 3 Section 3. Extension of authority. Any existing
 4 authority of the commissioner of insurance to make rules on
 5 the subject of the provisions of this act is extended to the
 6 provisions of this act.
 7 Section 4. Codification instruction. Section 1 is
 8 intended to be codified as an integral part of Title 33,
 9 chapter 18, part 2, and the provisions of Title 33, chapter
 10 18, part 2, apply to section 1.
 11 Section 5. Applicability. This act applies to
 12 insurance policies delivered or issued for delivery in this
 13 state on or after [the effective date of this act] but does
 14 not apply to any policy provision which, pursuant to a
 15 policy issued before [the effective date of this act], is
 16 applicable after that date.
 17 Section 6. Effective date. This act is effective on
 18 passage and approval.

-End-

HOUSE BILL NO. 519

INTRODUCED BY O'CONNELL, QUILICI, PISTORIA, THOMAS,
 KOEHNKE, C. SMITH, JONES, MCCORMICK, BACHINI, HOFFMAN,
 PAVLOVICH, STRATFORD, POULSEN, SWYSGOOD, GILBERT, GOULD,
 KITSELMAN, NATHE, WALLIN, MEYERS, PETERSON, REHBERG,
 ROTH, PHILLIPS, PATTERSON, HAGER, MANUEL, E. SMITH,
 TVEIT, HAYNE, CAMPBELL, SALES, MENKE, ELLISON, MARKS,
 FARRELL, COMPTON, WINSLOW, GIACOMETTO, SWIFT, DEVLIN,
 HANNAH, IVERSON, MILLER, HOFMAN, MEYER, GALT, MCLANE,
 DONALDSON, THAYER, HAMMOND, BISHOP, KELLER, SEVERSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS
 RELATING TO DISCRIMINATION IN INSURANCE AND RETIREMENT
 PLANS; LIMITING THE PROHIBITION AGAINST DISCRIMINATION ON
 THE BASIS OF SEX OR MARITAL STATUS TO THE ISSUANCE OR
 AVAILABILITY OF INSURANCE; REPEALING SECTION 49-2-309, MCA;
 AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE
 EFFECTIVE DATE."

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

Section 1. Discrimination on the basis of sex or
 marital status. No insurer may refuse to insure, refuse to
 continue to insure, or limit the amount of coverage
 available to an individual because of the sex or marital
 status of the individual. However, nothing in this section

prohibits an insurer from:

- (1) taking marital status into account for the purpose
of defining persons eligible for dependent benefits;
- (2) excluding coverage for pregnancy, except for
complications of pregnancy; or
- (3) making distinctions on the basis of sex or marital
status when bona fide statistical differences in risk or
exposure have been substantiated.

Section 2. Repealer. Section 49-2-309, MCA, is repealed.

SECTION 3. THE COMMISSIONER OF INSURANCE WILL REPORT
 BACK TO THE LEGISLATURE WITHIN THE FIRST 10 DAYS OF THE 1989
 LEGISLATIVE SESSION AS TO THE ECONOMIC IMPACT OF THIS ACT BY
 GENDER AND MARITAL STATUS.

Section 4. Extension of authority. Any existing authority of the commissioner of insurance to make rules on the subject of the provisions of this act is extended to the provisions of this act.

Section 5. Codification instruction. Section 1 is intended to be codified as an integral part of Title 33, chapter 18, part 2, and the provisions of Title 33, chapter 18, part 2, apply to section 1.

Section 6. Applicability. This act applies to insurance policies delivered or issued for delivery in this state on or after [the effective date of this act] but does



HB 0519/02

1 not apply to any policy provision which, pursuant to a
2 policy issued before [the effective date of this act], is
3 applicable after that date.

4 Section 7. Effective date. This act is effective on
5 passage and approval.

-End-

HOUSE BILL NO. 519

INTRODUCED BY O'CONNELL, QUILICI, PISTORIA, THOMAS, KOEHNKE, C. SMITH, JONES, MCCORMICK, BACHINI, HOFFMAN, PAVLOVICH, STRATFORD, POULSEN, SWYSGOOD, GILBERT, GOULD, KITSELMAN, NATHE, WALLIN, MEYERS, PETERSON, REHBERG, ROTH, PHILLIPS, PATTERSON, HAGER, MANUEL, E. SMITH, TVEIT, HAYNE, CAMPBELL, SALES, MENKE, ELLISON, MARKS, FARRELL, COMPTON, WINSLOW, GIACOMETTO, SWIFT, DEVLIN, HANNAH, IVERSON, MILLER, HOFMAN, MEYER, GALT, MCLANE, DONALDSON, THAYER, HAMMOND, BISHOP, KELLER, SEVERSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO DISCRIMINATION IN INSURANCE AND RETIREMENT PLANS; LIMITING THE PROHIBITION AGAINST DISCRIMINATION ON THE BASIS OF SEX OR MARITAL STATUS TO THE ISSUANCE OR AVAILABILITY OF INSURANCE; REPEALING SECTION 49-2-309, MCA; AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Discrimination on the basis of sex or marital status. No insurer may refuse to insure, refuse to continue to insure, or limit the amount of coverage available to an individual because of the sex or marital status of the individual. However, nothing in this section

prohibits an insurer from:

- (1) taking marital status into account for the purpose of defining persons eligible for dependent benefits;
(2) excluding coverage for pregnancy, except for complications of pregnancy; or
(3) making distinctions on the basis of sex or marital status when bona fide statistical differences in risk or exposure have been substantiated.

Section 2. Repealer. Section 49-2-309, MCA, is repealed.

SECTION 3. THE COMMISSIONER OF INSURANCE WILL REPORT BACK TO THE LEGISLATURE WITHIN THE FIRST 10 DAYS OF THE 1989 LEGISLATIVE SESSION AS TO THE ECONOMIC IMPACT OF THIS ACT BY GENDER AND MARITAL STATUS.

Section 4. Extension of authority. Any existing authority of the commissioner of insurance to make rules on the subject of the provisions of this act is extended to the provisions of this act.

Section 5. Codification instruction. Section 1 is intended to be codified as an integral part of Title 33, chapter 18, part 2, and the provisions of Title 33, chapter 18, part 2, apply to section 1.

Section 6. Applicability. This act applies to insurance policies delivered or issued for delivery in this state on or after [the effective date of this act] but does



1 not apply to any policy provision which, pursuant to a
2 policy issued before [the effective date of this act], is
3 applicable after that date.

4 Section 7. Effective date. This act is effective on
5 passage and approval.

-End-