

MINUTES OF THE MEETING
HUMAN SERVICES AND AGING COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The meeting of the Human Services and Aging Committee was called to order by Chairman Budd Gould at 8:30 a.m. on March 21, 1987.

ROLL CALL: Rep Stratford was excused, all other members were present.

EXECUTIVE SESSION - SENATE BILL 111

REP KITSELMAN made a motion to amend SB 111 on page 3, line 8, striking "\$20" and inserting "\$5.00".

A voice vote was taken and the motion FAILED.

REP KITSELMAN made a motion to accept amendment three (3) of exhibit 2, which states: on page 3, line 8, following: "\$20 strike "." and insert ", and no jail sentence may be imposed. Bond for this offense shall not exceed \$20. (2)"

A voice vote was taken and the motion FAILED.

REP KITSELMAN made a motion to accept amendment four (4) of exhibit 2 which states: page 3, following line 11, insert: "(3) No violation of (section 3) shall be recorded or charged against the driver's record of a person convicted of violating (section 3) and no insurance company shall hold a violation of (section 3) against the insured and there shall be no increase in premiums. (4) A violation of (section 3) is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711, and the provisions of 46-18-236 do not apply."

A roll call vote was taken and the motion FAILED, seven (7) to ten (10).

REP SANDS then made a motion recommending that Senate Bill 111 BE CONCURRED IN.

A roll call vote was taken and the motion PASSED, thirteen (13) to five (5).

The committee then discussed Senate Bill 170 and amendments presented by Chairman Gould (exhibit 1). Rep Sands noted that the subcommittee had not had an opportunity to meet a second time, and that Rep Kitselman also had an amendment

for the committee's consideration. He asked for deferred action on the bill.

REP SIMON said he noticed that one amendment was missing to the legislation on page 4 line 7: before "drug", insert "topical" and following the word "drug" insert "and oral antibiotics". He noted he would like to see this amendment in the legislation.

Chairman Gould noted that the consensus of the committee was to allow more time for the subcommittee to review the bill and the amendments. He stated the committee would take executive action on SB 111 on Tuesday night following adjournment.

The meeting was adjourned at 9:30 a.m.



Budd Gould, Chairman

bg/gmc/hs3.21

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date MARCH 21, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. BUDD GOULD, CHAIRMAN	✓		
REP. BOB GILBERT, VICE CHAIRMAN	✓		
REP. JAN BROWN	✓		
REP DUANE COMPTON	✓		
REP. DOROTHY CODY	✓		
REP. DICK CORNE'	✓		
REP. LARRY GRINDE	✓		
REP. STELLA JEAN HANSEN	✓		
REP. LES KITSELMAN	✓		
REP. LLOYD MC CORMICK	✓		
REP. RICHARD NELSON	✓		
REP. JOHN PATTERSON	✓		
REP. ANGELA RUSSELL	✓		
REP. JACK SANDS	✓		
REP. BRUCE SIMON	✓		
REP. CAROLYN SQUIRES	✓		
REP. TONIA STRATFORD			✓
REP. BILL STRIZICH	✓	⊗	

STANDING COMMITTEE REPORT

MARCH 21, 19 87

Mr. Speaker: We, the committee on HUMAN SERVICES AND AGING
report SENATE BILL NO. 111

- | | | |
|--------------------------------------|---|---|
| <input type="checkbox"/> do pass | <input checked="" type="checkbox"/> be concurred in | <input type="checkbox"/> as amended |
| <input type="checkbox"/> do not pass | <input type="checkbox"/> be not concurred in | <input type="checkbox"/> statement of intent attached |

REP. R. BUDD GOULD, Chairman

REQUIRE USE OF SEATBELTS BY OCCUPANTS OF A MOTOR VEHICLE


REP. HARP WILL CARRY THIS BILL IN THE HOUSE OF REPRESENTATIVES

THIRD reading copy (BLUE)
color

ROLL CALL VOTE

HUMAN SERVICES AND AGING

COMMITTEE

DATE March 21, 1987 BILL NO. SB 111

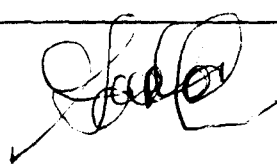
NUMBER 1

NAME	AYE	NAY
REP. BUDD GOULD, CHAIRMAN		X
REP. BOB GILBERT, VICE CHAIRMAN		X
REP. JAN BROWN		X
REP. DUANE COMPTON		X
REP. DOROTHY CODY		X
REP. DICK CORNE'		X
REP. LARRY GRINDE	X	
REP. STELLA JEAN HANSEN	X	
REP. LES KITSELMAN	X	
REP. LLOYD MC CORMICK	X	
REP. RICHARD NELSON	X	
REP. JOHN PATTERSON	X	
REP. ANGELA RUSSELL	X	
REP. JACK SANDS		X
REP. BRUCE SIMON		X
REP. CAROLYN SQUIRES		X
REP. TONIA STRATFORD		
REP. BILL STRIZICH		X

TALLY

7

10




Secretary

Chairman

MOTION: Rep Kitselman made a motion to amend SB 111 page 3, following line 11. Insert: "(3) No violation of (section 3) shall be recorded or charged against the driver's record of a person convicted of violating (section 3) and no insurance company shall hold a violation of (section 3) against the insured and there shall be no increase in premiums. (4) A violation of (section 3) is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711, and the provisions of 46-18-236 do not apply."

Form CS-31

Rev. 1985

ROLL CALL VOTE

HUMAN SERVICES AND AGING

COMMITTEE

DATE March 21, 1987 BILL NO. SB 111 NUMBER 2

NAME	AYE	NAY
REP. BUDD GOULD, CHAIRMAN	X	
REP. BOB GILBERT, VICE CHAIRMAN	X	
REP. JAN BROWN	X	
REP. DUANE COMPTON	X	
REP. DOROTHY CODY	X	
REP. DICK CORNE'	X	
REP. LARRY GRINDE		X
REP. STELLA JEAN HANSEN		X
REP. LES KITSELMAN		X
REP. LLOYD MC CORMICK		X
REP. RICHARD NELSON	X	
REP. JOHN PATTERSON		X
REP. ANGELA RUSSELL	X	
REP. JACK SANDS	X	
REP. BRUCE SIMON	X	
REP. CAROLYN SQUIRES	X	
REP. TONIA STRATFORD	X	
REP. BILL STRIZICH	X	

TALLY

13

5

Secretary

Chairman

MOTION: Rep Sands made a motion that Senate Bill 111 BE CONCURRED IN.

Amend SB 170, Third reading copy, blue.
Rep. Gould

Version of =====> 3/21/87 COMMITTEE

1. Title, line 10.

Following: "PRESCRIBE"

Insert: "CERTAIN"

2. Page 4, line 7.

Strike: "drugs used for"

Insert: "those drugs approved by the board for use in"

3. Page 6, line 6.

Following: "diagnosis"

Strike: "and"

Insert: ", "

Following: "treatment"

Insert: ", and management"

4. Page 6, line 21.

Strike: "use"

Insert: "diagnosis, treatment, and management"

5. Following: line 12

Insert: "NEW SECTION. Section 6. Optometric Oversight Committee
-- members -- duty to investigate complaints. (1)(a) There
is an optometric oversight committee composed of 5 members.
The members are:

(i) two physicians, one of whom must be an
ophthalmologist and the other a member of the board of
medical examiners and who are appointed by the board of
medical examiners;

(ii) two optometrists who are members of the board of
optometrists and who are appointed by the board of
optometrists; and

(iii) one pharmacist who is a member of the board of
pharmacy and who is appointed by the board of pharmacy.

(b) The members of the committee shall elect a chairman
from their members. Members of the committee are entitled
to compensation and travel expenses as provided for in 37-1-
133. Members compensation and travel expenses, and
committee clerical and administrative expenses shall be paid
by the board of optometrists from funds appropriated to the
board for its ordinary operations.

(2) A meeting of the committee shall be called by the
any of the represented boards upon receipt of a signed
written complaint regarding the diagnosis, treatment, or
management of ocular disease as it relates to therapeutic
drug usage by an optometrist.

(3) Each of the represented boards shall upon receipt
of a complaint concerning the diagnosis, treatment, or
management of ocular disease by an optometrist, forward a
copy of the complaint to the members of the committee. Each

member of the committee shall, subject to applicable confidentially requirements, have access to all records related to therapeutic drug usage of the board of optometry concerning the optometrist against who a complaint has been filed.

(4) The committee may investigate any complaint that it believes has a valid basis. The investigation may include:

(a) requiring the complainant, if injuries have been alleged, to submit to a physical examination;

(b) examination of hospital and other medical records;

(c) interviews of the complainant and the accused optometrist; and

(d) other avenues of inquiry tending to prove or disprove the complaint but that do not raise the formality of the investigation to the level of a contested case administrative hearing.

(5) Based upon the findings of its investigation, the committee may:

(a) recommend to board of optometrists that no further action be taken regarding the complaint;

(b) recommend to the board of optometrists that no action be taken against the subject optometrist, but that the board should review its rules and statutory provisions relating to the administration of prescription drugs by optometrists to amend the rules or propose legislation to prevent similar occurrences; or

(c) recommend that the board of optometrists initiate disciplinary proceedings.

(6) If the committee recommends that the board of optometrists initiate disciplinary proceedings, the board must take necessary action to begin disciplinary proceedings.

(7)(a) A copy of the committee's decision under subsection (4)(a) must be mailed to the complainant.

(b) If the committee makes a decision under subsection (4)(a)(ii) or (iii), the board of optometrists must respond to the committee's decision in writing. The response shall be addressed to the board of medical examiners and the board of pharmacy."

Renumber: subsequent section.

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AMENDMENT TO SENATE BILL 111

DATE 3 21 87
NO 36170

(Amend Senate Third Reading Blue Bill)

1. Page 2, line 5.

Following: "conforms to"

Strike: "federal motor vehicle safety standards."

Insert: "the provisions of 61-9-409 and 61-9-410."

EXPLANATION: THIS AMENDMENT TIES THE BILL TO EXISTING STATE LAW REGULATING SEAT BELTS RATHER THAN SOME VAGUE FEDERAL STANDARD WHICH COULD CHANGE. UNDER THE VAGUENESS DOCTRINE, ANY LAW WHICH DOES NOT FAIRLY INFORM A PERSON OF WHAT IS COMMANDED OR PROHIBITED IS UNCONSTITUTIONAL AS VIOLATION OF DUE PROCESS.

2. Page 3, line 7.

Following: "Penalty."

Insert: "(1)"

3. Page 3, line 8.

Following: "\$20"

Strike: "."

Insert: ", and no jail sentence may be imposed. Bond for this offense shall not exceed \$20. (2)"

4. Page 3.

Following: line 11.

Insert: "(3) No violation of [section 3] shall be recorded or charged against the driver's record of a person convicted of violating [section 3] and no insurance company shall hold a violation of [section 3] against the insured and there shall be no increase in premiums.

(4) A violation of [section 3] is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711, and the provisions of 46-18-236 do not apply."

EXPLANATION: AMENDMENTS 2 THROUGH 4 FOLLOWS LANGUAGE USED IN MONTANA'S FUEL CONSERVATION 55 MPH SPEED LIMIT. AMENDMENT # 3 CLARIFIES THAT NO JAIL TIME MAY BE GIVEN AND THAT THE BOND ISN'T GREATER THAN THE FINE.

AMENDMENT # 4 MAKES SURE THAT THE OFFENSE DOESN'T BECOME PART OF ONE DRIVER'S RECORD AND THUS CAUSE AND INCREASE IN INSURANCE RATES. IN ADDITION, IT CLARIFIES THE FACT THAT THE OFFENSE IS NOT A MISDEMEANOR AND THAT AN ADDED CHARGE OF \$10 IS NOT IMPOSED TO HELP FUND THE SALARIES OF CITY AND COUNTY ATTORNEY'S. IF THIS AMENDMENT IS NOT INCLUDED IN THE BILL, THE EFFECT WOULD BE A \$30 FINE, NOT \$20.

(2) The term "safety glazing materials" means glazing materials so constructed, treated, or combined with other materials as to reduce substantially in comparison with ordinary sheet glass or plate glass the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

History: En. Sec. 147, Ch. 263, L. 1955; R.C.M. 1947, 32-21-150.

Cross-References

"Truck" defined, 61-1-107.

"Truck tractor" defined, 61-1-108.

"Bus" defined, 61-1-115.

"School bus" defined, 61-1-116.

Sales and distribution of motor vehicles, Title 61, ch. 4.

61-9-409. Seatbelts required in new vehicles. It is unlawful for any person to buy, sell, lease, trade, or transfer from or to Montana residents at retail an automobile which is manufactured or assembled commencing with the 1966 models unless such vehicle is equipped with safety belts installed for use in the left front and right front seats thereof, and no such vehicle shall be operated in this state unless such belts remain installed.

History: En. Sec. 1, Ch. 115, L. 1965; R.C.M. 1947, 32-21-150.1.

Cross-References

Sales and distribution of motor vehicles, Title 61, ch. 4.

Penalty for seatbelt violations, 61-9-516.

61-9-410. Specifications for seatbelts. All such safety belts must be of a type and must be installed in a manner approved by the department. The department shall establish specifications and requirements for approved types of safety belts and attachments thereto. The department will accept, as approved, all seatbelt installations and the belt and anchor meeting the society of automotive engineers' specifications.

History: En. Sec. 2, Ch. 115, L. 1965; R.C.M. 1947, 32-21-150.2; amd. Sec. 1, Ch. 503, L. 1985.

Compiler's Comments

1985 Amendment: Substituted reference to department of justice for reference to division of motor vehicles in three places.

Cross-References

Adoption and publication of rules, Title 2, ch. 4, part 3.

Penalty for seatbelt violations, 61-9-516.

61-9-411. Certain vehicles to carry flares or other warning devices. (1) No person shall operate any motor truck of 1-ton capacity or greater, passenger bus, or truck tractor upon any highway outside the corporate limits of municipalities at any time unless there shall be carried in such vehicle, except as provided in subsection (2), the following equipment:

(a) at least three flares or three red electric lanterns or three portable red emergency reflectors each of which shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions at nighttime. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to display a minimum of 24 square inches of reflective surface, or two reflecting elements; one above the other, either of which shall be capable of reflecting red light clearly visible from all distances within 600 feet to 100 feet under normal atmospheric conditions at night when directly in front of lawful upper beams of headlamps;

(b) at least three red-burning fuseses unless red electric lanterns or red portable emergency reflectors are carried;