

SENATE BILL NO. 58

INTRODUCED BY VAN VALKENBURG

BY REQUEST OF
THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

IN THE SENATE

January 5, 1981	Introduced and referred to Committee on Education.
January 20, 1981	Committee recommend bill do pass as amended. Report adopted.
January 21, 1981	Bill printed and placed on members' desks.
January 22, 1981	Second reading, do pass.
January 23, 1981	Considered correctly engrossed.
January 24, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

January 26, 1981	Introduced and referred to Committee on Human Services.
January 31, 1981	Rerferred to Committee on Education.
March 5, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 9, 1981	Second reading, concurred in.
March 12, 1981	Third reading, concurred in as amended. Ayes, 92; Noes, 4.

IN THE SENATE

March 13, 1981	Returned from House with amendments.
March 16, 1981	On motion, consideration be passed for the day.
March 17, 1981	Second reading, amendments concurred in.
March 19, 1981	Third reading, amendments concurred in. Ayes, 46; Noes, 0. Sent to enrolling.
April 2, 1981	Correctly enrolled.
	Signed by President.
April 3, 1981	Delivered to Governor.
April 9, 1981	Returned from Governor with recommended amendments.
April 11, 1981	Second reading, Governor's amendments concurred in.
April 13, 1981	Third reading, Governor's amendments concurred in. Ayes, 43; Noes, 3. Transmitted to House.

IN THE HOUSE

April 17, 1981	Second reading, Governor's amendments concurred in.
	On motion rules suspended and Governor's amendments placed on third reading this day.
	Third reading, Governor's amendments concurred in. Ayes, 82; Noes, 12.

IN THE SENATE

April 20, 1981

Returned from House. Con-
curred in. Sent to enrolling.

Reported correctly enrolled.

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2 INTRODUCED BY VAN VALKENBURG
3 BY REQUEST OF
4 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
7 20-5-403, MCA, OF THE SCHOOL IMMUNIZATION LAWS TO ELIMINATE
8 THE EXEMPTION BASED ON FAILURE TO ACT."
9

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

11 Section 1. Section 20-5-403, MCA, is amended to read:
12 "20-5-403. Immunization required. (1) A governing
13 authority may not enroll any person as a pupil in any school
14 unless, prior to enrollment, the person:
15 (1) has been immunized against diphtheria,
16 pertussis, tetanus, poliomyelitis, rubella, and measles
17 (rubeola) in the manner and with immunizing agents approved
18 by the department, except that pertussis vaccination is not
19 required for a person 7 years of age or older;
20 (2) qualifies for conditional enrollment; or
21 (3) files for an exemption.
22 (2)--Failure-to-act-as-provided-in-subsection-(1)-in-a
23 reasonable period of time as determined by the board of
24 trustees--is--an--exemption--on--the--grounds--provided--in
25 20-5-405(1)."'

1 Section 2. Saving clause. This act does not affect
2 rights and duties that matured, penalties that were
3 incurred, or proceedings that were begun before the
4 effective date of this act.

-End-

Approved by Committee
on Education

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7 20-5-403, MCA, OF THE SCHOOL IMMUNIZATION LAWS TO ELIMINATE
8 THE EXEMPTION BASED ON FAILURE TO ACT~~I~~ AND ~~P~~ROVIDING ~~A~~N
9 EFFECTIVE DATE."

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13 "20-5-403. Immunization required. ~~t~~t A governing
14 authority may not enroll any person as a pupil in any school
15 unless, prior to enrollment, the person:
16 ~~t~~till has been immunized against diphtheria,
17 pertussis, tetanus, poliomyelitis, rubella, and measles
18 (rubeola) in the manner and with immunizing agents approved
19 by the department, except that pertussis vaccination is not
20 required for a person 7 years of age or older;
21 ~~t~~t~~l~~21 qualifies for conditional enrollment; or
22 ~~t~~t~~l~~21 files for an exemption.
23 ~~t~~t~~l~~22--Failure--to--act--as--provided--in--subse~~c~~ction--~~t~~t--in--a
24 reasonable--period--of--time--as--determined--by--the--board--of
25 trustees--is--an--exemption--on--the--grounds--provided--in

1 1 20-5-405~~t~~~~l~~22"
2 2 Section 2. Saving clause. This act does not affect
3 3 rights and duties that matured, penalties that were
4 4 incurred, or proceedings that were begun before the
5 5 effective date of this act.

6 6 SECTION 3. ~~EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY~~
7 7 11-1981.

-End-

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7 20-5-403, MCA, OF THE SCHOOL IMMUNIZATION LAWS TO ELIMINATE
8 THE EXEMPTION BASED ON FAILURE TO ACT; AND PROVIDING AN
9 EFFECTIVE DATE."

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13 "20-5-403. Immunization required. (1) A governing

14 authority may not enroll any person as a pupil in any school

15 unless, prior to enrollment, the person:

16 t~~et~~11 has been immunized against diphtheria,

17 pertussis, tetanus, poliomyelitis, rubella, and measles

18 (rubeola) in the manner and with immunizing agents approved

19 by the department, except that pertussis vaccination is not

20 required for a person 7 years of age or older;

21 t~~et~~121 qualifies for conditional enrollment; or

22 t~~et~~131 files for an exemption.

23 t~~et~~14--Failure--to--set--as--provided--in--subsection--(1)--in--a

24 reasonable period of time, as determined by the board of

25 trustees, is an exemption on the grounds provided in

1 20-5-485(t)(7)(b)
2 Section 2. Saving clause. This act does not affect
3 rights and duties that matured, penalties that were
4 incurred, or proceedings that were begun before the
5 effective date of this act.
6 SECTION 3. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY
7 1, 1981.

-End-

THIRD READING

SENATE BILL NO. 58
INTRODUCED BY VAN VALKENBURG
BY REQUEST OF
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
7 20-5-403, MCA, OF THE SCHOOL IMMUNIZATION LAWS TO ELIMINATE
8 THE EXEMPTION BASED ON FAILURE TO ACT; ALLOWING A GRACE
9 PERIOD FOR TRANSFER STUDENTS; AND PROVIDING AN EFFECTIVE
10 DATE."

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

13 Section 1. Section 20-5-403, MCA, is amended to read:

14 "20-5-403. Immunization required -- GRACE PERIOD FOR

15 TRANSFERS. ~~III~~ A governing authority may not enroll any

16 person as a pupil in any school unless--prior-to-enrollment,

17 the person:

18 ~~§ 220.11~~ has been immunized against diphtheria,
19 pertussis, tetanus, poliomyelitis, rubella, and measles
20 (rubella) in the manner and with immunizing agents approved
21 by the department, except that pertussis vaccination is not
22 required for a person 7 years of age or older;

23 either qualifies for conditional enrollment; or
24 either files for an exemption; or
25 (D) IS A PUPIL TRANSFERRING FROM ANOTHER SCHOOL

1 DISTRICT AS PROVIDED IN SUBSECTION (2).
2 t2>--Failure-to-act-as-provided-in-subsection-(2)--in--a
3 reasonable--period--of--time--as-determined-by-the-board-of
4 trustees,--is--an--exemption--on--the--grounds--provided--in
5 20-5-405t1t2

6 (2) A PERSON WHO TRANSFERS FROM ONE SCHOOL DISTRICT TO
7 ANOTHER HAS 30 CALENDAR DAYS AFTER COMMENCEMENT OF
8 ATTENDANCE AT SCHOOL TO EITHER COMPLETE IMMUNIZATION AS
9 SPECIFIED IN SUBSECTION (1)(A), COMMENCE IMMUNIZATION IN THE
10 MANNER REQUIRED BY 20-5-404, OR FILE FOR AN EXEMPTION. IF
11 NONE OF THE FOREGOING ACTIONS IS TAKEN WITHIN 30 DAYS, THE
12 TRANSFER PUPIL IS PROHIBITED FROM FURTHER ATTENDANCE UNTIL
13 SUCH ACTION IS TAKEN."

14 Section 2. Saving clause. This act does not affect
15 rights and duties that matured, penalties that were
16 incurred, or proceedings that were begun before the
17 effective date of this act.

18 SECTION 3. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY
19 1, 1981.

-End-

HOUSE EDUCATION AMENDMENTS TO SENATE BILL 58
March 4, 1981

third reading copy, be amended as follows:

1. Title, line 8.

Following: "TO ACT;"

Insert: "ALLOWING A GRACE PERIOD FOR TRANSFER STUDENTS;"

2. Page 1, line 13.

Following: "required"

Strike: "."

Insert: "--grace period for transfers. (1)"

3. Page 1, line 15.

Following: "unless"

Strike: ", prior to enrollment,"

4. Page 1, line 16.

Following: "{a}"

Strike: "(1)"

Insert: "(a)"

5. Page 1, line 21.

Following: "{b}"

Strike: "(2)"

Insert: "(b)"

Following: "enrollment;"

Strike: "or"

6. Page 1, line 22.

Following: "{c}"

Strike: "(3)"

Insert: "(c)"

Following: "exemption"

Strike: "."

Insert: ";" or"

7. Page 1.

Following: line 22

Insert: "(d) is a pupil transferring from another school district
as provided in subsection (2)."

8. Page 2.

Following: line 1

Insert: "(2) A person who transfers from one school district to
another has 30 calendar days after commencement of attendance
at school to either complete immunization as specified in subsection
(1)(a), commence immunization in the manner required by 20-5-404,
or file for an exemption. If none of the foregoing actions is
taken within 30 days, the transfer pupil is prohibited from further
attendance until such action is taken."

BE CONCURRED IN AS AMENDED

April 8, 1981

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 58;
REFERENCE COPY, AS FOLLOWS:

1. Page 2, Line 1
Following: "DISTRICT"
Delete: "AS PROVIDED IN"
Insert: "in which case the provisions of"
Following: "SUBSECTION (2)"
Insert: "apply"

2. Page 2, Line 8
Following: "AT"
Insert: "the"
Following: "SCHOOL"
Insert: "to which he or she transfers"

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10 DATE."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA,

13 Section 1. Section 20-5-403, MCA, is amended to read:
14 "20-5-403. Immunization required -- GRACE PERIOD FOR
15 TRANSFERS. ~~(f)~~ ⁽¹⁾ A governing authority may not enroll any
16 person as a pupil in any school unless--prior-to-enrollment,
17 the person:

18 ~~titit(A)~~ has been immunized against diphtheria,
19 pertussis, tetanus, poliomyelitis, rubella, and measles
20 (rubeola) in the manner and with immunizing agents approved
21 by the department, except that pertussis vaccination is not
22 required for a person 7 years of age or older;

23 ~~THE~~ THE PUPIL qualifies for conditional enrollment; or
24 ~~THE~~ THE PUPIL files for an exemption; OR
25 (D) IS A PUPIL TRANSFERRING FROM ANOTHER SCHOOL

1 DISTRICT AS PROVIDED IN IN WHICH CASE THE PROVISIONS OF
2 SUBSECTION (2) APPLY.

3 f2t--Failure--to--set--as--provided--in--subsection--fit--in--a
4 reasonable--period--of--time--as--determined--by--the--board--of
5 trustees--is--an--exemption--on--the--grounds--provided--in
6 20-5-405fit*.

7 (2) A PERSON WHO TRANSFERS FROM ONE SCHOOL DISTRICT TO
8 ANOTHER HAS 30 CALENDAR DAYS AFTER COMMENCEMENT OF
9 ATTENDANCE AT THE SCHOOL TO WHICH HE OR SHE TRANSFERS TO
10 EITHER COMPLETE IMMUNIZATION AS SPECIFIED IN SUBSECTION
11 (1)(A), COMMENCE IMMUNIZATION IN THE MANNER REQUIRED BY
12 20-5-404, OR FILE FOR AN EXEMPTION. IF NONE OF THE FOREGOING
13 ACTIONS IS TAKEN WITHIN 30 DAYS, THE TRANSFER PUPIL IS
14 PROHIBITED FROM FURTHER ATTENDANCE UNTIL SUCH ACTION IS
15 TAKEN."

16 Section 2. Saving clause. This act does not affect
17 rights and duties that matured, penalties that were
18 incurred, or proceedings that were begun before the
19 effective date of this act.

20 SECTION 3. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY
21 1, 1981.

-End-



TED SCHWINDEN
GOVERNOR

State of Montana
Office of the Governor
Helena 59620

April 8, 1981

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Representative Marks and Senator Turnage:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 58, "AN ACT TO AMEND SECTION 20-5-403, MCA, OF THE SCHOOL IMMUNIZATION LAWS TO ELIMINATE THE EXEMPTION BASED ON FAILURE TO ACT; ALLOWING A GRACE PERIOD FOR TRANSFER STUDENTS; AND PROVIDING AN EFFECTIVE DATE," without my signature and recommend the attached amendments for the following reasons.

The amendments I am proposing to SB 58 are for clarification only and in no way alter the intent of the bill.

Language in Section 1(1)(D) of the bill leaves the impression that subsection (2) in some manner describes pupil transfers. Subsection (2) does not describe transfers but rather, unsuccessfully attempts to provide a grace period for transfer pupils in which they can comply with immunization requirements. The proposed amendment clarifies this intention.

Further, language in subsection (2) raises the question whether the 30-day grace period begins to run with the commencement of attendance at the first school attended by a transfer student or at the school to which the student transfers. The proposed amendment makes it clear that the 30 day grace period begins to run after the commencement of attendance at the school to which the student transfers.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor