

HOUSE BILL NO. 180

INTRODUCED BY J. BROWN

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

January 12, 1983	Introduced and referred to Committee on Appropriations.
February 15, 1983	Committee recommend bill do pass as amended. Report adopted.
February 16, 1983	Bill printed and placed on members' desks.
February 17, 1983	Second reading, do pass.
February 18, 1983	Considered correctly engrossed.
February 19, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 21, 1983	Introduced and referred to Committee on Finance and Claims.
March 8, 1983	Committee recommend bill be concurred in. Report adopted.
March 10, 1983	Second reading, concurred in.
March 12, 1983	Third reading, concurred in. Ayes, 42; Noes, 5.

IN THE HOUSE

March 12, 1983	Returned to House.
March 14, 1983	Sent to enrolling.
	Reported correctly enrolled.

Transmitted to Governor: 03/21/83
Signed: 03/24/83

1 House BILL NO. 180
2 INTRODUCED BY J. Brown
3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE FUNDS TO
6 THE DEPARTMENT OF INSTITUTIONS FOR PAYMENT OF A JUDGMENT
7 AGAINST THE STATE OF MONTANA BY MARJORIE LANGLOIS; AND
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
9

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

11 Section 1. Appropriation. There is appropriated
12 \$78,500.15 from the general fund to the Department of
13 Institutions to satisfy the judgment against the Department
14 of Institutions, which claim is based upon charges of sex
15 discrimination arising from an employment dispute and is the
16 subject of legal action in the case of Langlois v. Montana
17 State Prison (Civil No. CV-80-49-B; D. Mont.).

18 Section 2. Conditions. This appropriation is subject
19 to the condition that the claimant execute a full
20 satisfaction of judgment against the Department of
21 Institutions, its officers and employees, and the State of
22 Montana for damages arising from the alleged discrimination
23 which is the subject of the claim.

24 Section 3. Appropriation nonjudgmental. By
25 appropriating the above sum, the Legislature is not passing

1 on the merits of this claim.

2 Section 4. Effective date. This act is effective on
3 passage and approval.

-End-

INTRODUCED BILL

Approved by Comm.
on Appropriations

HOUSE BILL NO. 180

INTRODUCED BY J. BROWN

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE FUNDS TO
THE DEPARTMENT OF INSTITUTIONS FOR PAYMENT OF A JUDGMENT
AGAINST THE STATE OF MONTANA BY MARJORIE LANGLOIS; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Appropriation. There is appropriated
~~\$78,590.15~~ \$84,272 from the general fund to the Department
of Institutions to satisfy the judgment against the
Department of Institutions, which claim is based upon
charges of sex discrimination arising from an employment
dispute and is the subject of legal action in the case of
Langlois v. Montana State Prison (Civil No. CV-80-49-B; D.
Mont.).

Section 2. Conditions. This appropriation is subject
to the condition that the claimant execute a full
satisfaction of judgment against the Department of
Institutions, its officers and employees, and the State of
Montana for damages arising from the alleged discrimination
which is the subject of the claim.

Section 3. Appropriation nonjudgmental. By

appropriating the above sum, the Legislature is not passing
on the merits of this claim.

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

-End-

SECOND READING

HOUSE BILL NO. 180

INTRODUCED BY J. BROWN

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF INSTITUTIONS FOR PAYMENT OF A JUDGMENT AGAINST THE STATE OF MONTANA BY MARJORIE LANGLOIS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Appropriation. There is appropriated ~~\$78,590.15~~ ~~\$84,272~~ from the general fund to the Department of Institutions to satisfy the judgment against the Department of Institutions, which claim is based upon charges of sex discrimination arising from an employment dispute and is the subject of legal action in the case of Langlois v. Montana State Prison (Civil No. CV-80-49-B; D. Mont.).

Section 2. Conditions. This appropriation is subject to the condition that the claimant execute a full satisfaction of judgment against the Department of Institutions, its officers and employees, and the State of Montana for damages arising from the alleged discrimination which is the subject of the claim.

Section 3. Appropriation nonjudgmental. By

appropriating the above sum, the Legislature is not passing on the merits of this claim.

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

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 180

3 Senate Public Health, Welfare and Safety Committee

4

5 A statement of intent is necessary for Senate Bill 180
6 because it adds to the laws relating to premarital
7 serological tests rulemaking authority for the Department of
8 Health and Environmental Sciences to specify allowable
9 exceptions to the test requirement.

10 Present law defines a premarital serological test as
11 including both a test for rubella immunity and a test for
12 syphilis. Senate Bill 180 eliminates the syphilis test
13 requirement and requires the rubella test only of female
14 applicants for a marriage license, since the purpose of the
15 rubella test is to alert the license applicants to lack of
16 immunity to the disease which could result in damage to a
17 fetus if rubella were contracted during pregnancy. Since the
18 test is of value only to women capable of bearing children,
19 there is no purpose in requiring the test of women incapable
20 of doing so. Therefore, the rules would define those
21 categories of women whose medical status precludes them,
22 with reasonable medical certainty, from bearing children,
23 including, but not limited to, women over childbearing age
24 and those whose physicians certify they are incapable of
25 bearing children.

REFERENCE BILL

SENATE BILL NO. 180
INTRODUCED BY MAZUREK
BY REQUEST OF THE DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
REQUIREMENTS FOR PREMARITAL SEROLOGICAL TESTS; AMENDING
SECTIONS 40-1-203, 40-1-204, 40-1-206, AND 40-1-208, MCA;
AND REPEALING SECTION 50-19-106, MCA."

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

Section 1. Section 40-1-203, MCA, is amended to read:

"40-1-203. Proof of age and medical certificate
required. (1) Before a person authorized by law to issue
marriage licenses may issue a marriage license, each
applicant therefor shall exhibit to him a birth certificate
or other satisfactory evidence of age and, if the applicant
is a minor, the approval required by 40-1-213, and ~~Each~~
~~female applicant, unless exempted on medical grounds by rule~~
~~of the department of health and environmental sciences,~~
shall file with him ~~the license issuer~~ a medical certificate
from a physician, licensed to practice medicine and surgery
in any state or United States territory, or any other person
authorized by laws of Montana to make a medical certificate.
The certificate shall state that the applicant has been

given a standard serological test, performed not more than
~~20 days~~ 6 months before the date of issuance of the license,
and that the report of the results of the serological test
has been exhibited to the applicant ~~tested~~ and that ~~each the~~
~~other~~ party to the proposed marriage contract has examined
the report of the serological test ~~of the other party to the~~
~~proposed contract.~~

(2) A person who by law is able to obtain a marriage
license in this state is also able to give consent to any
examinations and tests required by this section. In
submitting the blood specimen to the laboratory, the
physician or any other person authorized by the laws of
Montana to make a medical certificate shall designate that
it is a premarital test."

Section 2. Section 40-1-204, MCA, is amended to read:

"40-1-204. Contents and form of medical certificate.

(1) The medical certificate shall contain a statement from
the person in charge of the laboratory making the test or
authorized to make such reports, setting forth:

(a) the name of the test;

(b) the date it was made;

(c) the name and address of the physician or other
person authorized under the laws of Montana to make the
test;

(d) to whom the test was sent; and

1 (e) the name ~~and address~~ of the person whose blood was
2 tested.

3 (2) In the event that an error is discovered in the
4 results of the test, such results will be expunged from the
5 records of the department of health and environmental
6 sciences.

7 (3) ~~(a)~~ The certificate and statement shall be on a
8 form to be provided and distributed by the department of
9 health and environmental sciences to all county clerks of
10 the court in the state and to laboratories in this state
11 ~~that are:~~

12 ~~(i) operated by the armed forces or the public health~~
13 ~~service of the United States; or~~

14 ~~(iii) approved by the department.~~

15 ~~(b)~~ This form is hereinafter referred to in 40-1-205
16 through 40-1-209 as "the certificate form".

17 Section 3. Section 40-1-206, MCA, is amended to read:

18 "40-1-206. Premarital test ~~-- approved laboratories --~~
19 rules. (1) For the purpose of 40-1-203 through 40-1-209, a
20 standard serological test shall be a test for rubella
21 immunity ~~and---syphilis---as~~ which is approved by the
22 department of health and environmental sciences. ~~An approved~~
23 ~~laboratory shall be~~

24 ~~(2) The standard serological test is acceptable for~~
25 ~~the purposes of 40-1-203 through 40-1-209 only if it is~~

1 ~~performed by one of the following:~~

2 ~~(a) the laboratory of the department; or~~

3 ~~(b) a laboratory approved by that the department; Any~~

4 ~~(c) a laboratory operated by any other state; or~~

5 ~~(d) a laboratory operated by the United States public~~
6 ~~health service or the United States armed forces laboratory~~
7 ~~shall be considered approved for the purposes of 40-1-203~~
8 ~~through 40-1-209. Such laboratory~~

9 ~~(3) The standard serological test may be made on~~
10 ~~request at the laboratory of the department of health and~~
11 ~~environmental sciences.~~

12 ~~(4) Reasonable the department of health and~~
13 ~~environmental sciences shall adopt reasonable rules for:~~

14 ~~(a) reports to be submitted by any laboratory making~~
15 ~~tests and the manner of furnishing the reports to the~~
16 ~~certifying physician and the state; shall be adopted by the~~
17 ~~department of health and environmental sciences and~~

18 ~~(b) exemptions, on medical grounds, from the~~
19 ~~premarital serological test."~~

20 Section 4. Section 40-1-208, MCA, is amended to read:

21 "40-1-208. Penalties. (1) An applicant for a marriage
22 license, a physician or other person authorized by the laws
23 of Montana to make a medical certificate or any person in
24 charge of or authorized to make reports or statements for a
25 laboratory who misrepresents his identity or any of the

1 facts called for by the certificate form prescribed by
 2 40-1-203 through 40-1-205, any licensing officer who issues
 3 a marriage license without having received the certificate
 4 form, ~~if required~~, or who has reason to believe that any of
 5 the facts on the certificate form have been misrepresented
 6 and nevertheless issues a marriage license, or any person
 7 who otherwise fails to comply with the provisions of
 8 40-1-203 through 40-1-209 is guilty of a misdemeanor and
 9 upon conviction shall be punished by a fine of not more than
 10 \$100.

11 (2) Medical certificates, laboratory statements or
 12 reports, and applications referred to in 40-1-203 through
 13 40-1-209 are confidential and may not be divulged to or open
 14 to inspection by any person other than state or local health
 15 officers or their representatives. A person who divulges
 16 such information or opens to inspection such certificates,
 17 statements, reports, or applications, without authority, to
 18 any person not by law entitled to the same is guilty of a
 19 misdemeanor and upon conviction shall be punished by a fine
 20 of not more than \$100."

21 ~~NEW SECTION.~~ Section 5. Repealer. Section 50-19-106,
 22 MCA, is repealed.

-End-