

HOUSE BILL NO. 162

INTRODUCED BY GILBERT, RANEY, T. BECK, GRADY, DRISCOLL,
HARP, YELLOWTAIL, WEEDING
BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

IN THE HOUSE

JANUARY 12, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON NATURAL RESOURCES.

JANUARY 14, 1991 FIRST READING.

JANUARY 24, 1991 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 25, 1991 PRINTING REPORT.

JANUARY 26, 1991 SECOND READING, DO PASS.

JANUARY 28, 1991 ENGROSSING REPORT.

JANUARY 30, 1991 THIRD READING, PASSED.
 AYES, 85; NOES, 15.

 TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 31, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON PUBLIC HEALTH, WELFARE, & SAFETY.

 FIRST READING.

MARCH 23, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

MARCH 26, 1991 SECOND READING, CONCURRED IN.

MARCH 27, 1991 THIRD READING, CONCURRED IN.
 AYES, 33; NOES, 16.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1991 RECEIVED FROM SENATE.

 SECOND READING, AMENDMENTS
 CONCURRED IN.

APRIL 9, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 162
 2 INTRODUCED BY Dillard Nancy T. Bond
 3 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL Judy
 4 Dussell HARP Yellowtail L.L.D. '9
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF
 6 HEALTH AND ENVIRONMENTAL SCIENCES TO ESTABLISH MINIMUM
 7 STANDARDS FOR THE CONTROL AND DISPOSAL OF SEWAGE FROM
 8 PRIVATE AND PUBLIC BUILDINGS; REQUIRING LOCAL BOARDS OF
 9 HEALTH TO ADOPT REGULATIONS THAT ARE NO LESS STRINGENT THAN
 10 STATE STANDARDS FOR THE CONTROL AND DISPOSAL OF SEWAGE FROM
 11 PRIVATE AND PUBLIC BUILDINGS; AMENDING SECTIONS 50-2-116 AND
 12 75-5-305, MCA; AND PROVIDING AN APPLICABILITY DATE."

STATEMENT OF INTENT

15 A statement of intent is required for this bill in order
 16 to provide guidance to the board of health and environmental
 17 sciences concerning rulemaking to establish minimum
 18 standards for the design, installation, and maintenance of
 19 new septic and sewage disposal systems that are connected to
 20 individual private and public buildings. Following the
 21 adoption of minimum state standards, local boards of health
 22 shall adopt regulations for new septic and sewage disposal
 23 systems that are no less stringent than the state standards.
 24 Local governments are not required to regulate septic and
 25 sewage disposal systems that the department of health and

1 environmental sciences reviews and regulates under the
 2 requirements of Title 75, chapter 6, pertaining to public
 3 water supply systems, or the requirements of Title 76,
 4 chapter 4, pertaining to subdivisions.

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

Section 1. Section 75-5-305, MCA, is amended to read:

8 "75-5-305. Adoption of requirements for treatment of
 9 wastes. The board may establish minimum requirements for the
 10 treatment of wastes. The board shall establish minimum
 11 requirements for the control and disposal of sewage from
 12 private and public buildings."

Section 2. Section 50-2-116, MCA, is amended to read:

14 "50-2-116. Powers and duties of local boards. (1) Local
 15 boards shall:

16 (a) appoint a local health officer who is a physician
 17 or a person with a master's degree in public health or the
 18 equivalent and with appropriate experience, as determined by
 19 the department, and shall fix his salary;

20 (b) elect a chairman and other necessary officers;

21 (c) employ necessary qualified staff;

22 (d) adopt bylaws to govern meetings;

23 (e) hold regular meetings quarterly and hold special
 24 meetings as necessary;

25 (f) supervise destruction and removal of all sources of



1 filth which that cause disease;

2 (g) guard against the introduction of communicable
3 disease;

4 (h) supervise inspections of public establishments for
5 sanitary conditions;

6 (i) adopt necessary regulations that are no less
7 stringent than state standards for the control and disposal
8 of sewage from private and public buildings that is not
9 regulated by Title 75, chapter 6, or Title 76, chapter 4.

10 (2) Local boards may:

11 (a) quarantine persons who have communicable diseases;

12 (b) require isolation of persons or things which that
13 are infected with communicable diseases;

14 (c) furnish treatment for persons who have communicable
15 diseases;

16 (d) prohibit the use of places which that are infected
17 with communicable diseases;

18 (e) require and provide means for disinfecting places
19 which that are infected with communicable diseases;

20 (f) accept and spend funds received from a federal
21 agency, the state, a school district, or other persons;

22 (g) contract with another local board for all or a part
23 of local health services;

24 (h) reimburse local health officers for necessary
25 expenses incurred in official duties;

1 (i) abate nuisances affecting public health and safety
2 or bring action necessary to restrain the violation of
3 public health laws or rules;

4 (j) adopt necessary ~~regulations and fees to administer~~
5 regulations for the control and disposal of sewage from
6 private and public buildings ~~not-currently-connected-to-any~~
7 ~~municipal--system~~ (fees ~~shall~~ must be deposited with the
8 county treasurer);

9 (k) adopt rules which that do not conflict with rules
10 adopted by the department:

11 (i) for the control of communicable diseases;

12 (ii) for the removal of filth which that might cause
13 disease or adversely affect public health;

14 (iii) on sanitation in public buildings which that
15 affects public health;

16 (iv) for heating, ventilation, water supply, and waste
17 disposal in public accommodations which that might endanger
18 human lives; and

19 ~~for-the-control-and-disposal-of-sewage-from-private~~
20 ~~and-public-buildings--and~~ for the maintenance of sewage
21 treatment systems which that do not discharge an effluent
22 directly into state waters and which that are not required
23 to have an operating permit as required by rules adopted
24 under 75-5-401."

25 NEW SECTION. Section 3. Applicability. [This act]

LC 0789/01

1 applies to proceedings begun after October 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0162, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


A bill requiring the Board of Health and Environmental Sciences to establish minimum standards for the control and disposal of sewage from private and public buildings and requiring local boards of health to adopt regulations that are no less stringent than state standards for the control and disposal of sewage from private and public buildings.

FISCAL IMPACT:

No fiscal impact



ROD SUNDSTED, BUDGET DIRECTOR 1-17-91
Office of Budget and Program Planning DATE



BOB GILBERT, PRIMARY SPONSOR 1/18/91
DATE

Fiscal Note for HB0162, as introduced.

HB 162

APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 162

INTRODUCED BY GILBERT, RANEY, T. BECK, GRADY, DRISCOLL,

HARP, YELLOWTAIL, WEEDING

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES TO ESTABLISH MINIMUM STANDARDS FOR THE CONTROL AND DISPOSAL OF SEWAGE FROM PRIVATE AND PUBLIC BUILDINGS; REQUIRING LOCAL BOARDS OF HEALTH TO ADOPT REGULATIONS THAT ARE NO LESS STRINGENT THAN STATE STANDARDS FOR THE CONTROL AND DISPOSAL OF SEWAGE FROM PRIVATE AND PUBLIC BUILDINGS; AMENDING SECTIONS 50-2-116 AND 75-5-305, MCA; AND PROVIDING AN APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill in order to provide guidance to the board of health and environmental sciences concerning rulemaking to establish minimum standards for the design, installation, and maintenance of new septic and sewage disposal systems that are connected to individual private and public buildings. THE RULES MUST INCLUDE A PROCEDURE FOR THE CONSIDERATION OF REQUESTS FOR VARIANCES FROM THE MINIMUM STANDARDS AND FOR A VARIANCE TO BE GRANTED IF WARRANTED, AS DETERMINED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES. THE VARIANCE PROCEDURE

MUST BE ADMINISTERED SOLELY BY THE DEPARTMENT OF HEALTH AND

ENVIRONMENTAL SCIENCES. Following the adoption of minimum state standards, local boards of health shall adopt regulations for new septic and sewage disposal systems that are no less stringent than the state standards. Local governments are not required to regulate septic and sewage disposal systems that the department of health and environmental sciences reviews and regulates under the requirements of Title 75, chapter 6, pertaining to public water supply systems, or the requirements of Title 76, chapter 4, pertaining to subdivisions.

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

Section 1. Section 75-5-305, MCA, is amended to read:

"75-5-305. Adoption of requirements for treatment of wastes. The board may establish minimum requirements for the treatment of wastes. The board shall establish minimum requirements for the control and disposal of sewage from private and public buildings."

Section 2. Section 50-2-116, MCA, is amended to read:

"50-2-116. Powers and duties of local boards. (1) Local boards shall:

(a) appoint a local health officer who is a physician or a person with a master's degree in public health or the equivalent and with appropriate experience, as determined by

SECOND READING

HB 162

1 the department, and shall fix his salary;

2 (b) elect a chairman and other necessary officers;

3 (c) employ necessary qualified staff;

4 (d) adopt bylaws to govern meetings;

5 (e) hold regular meetings quarterly and hold special

6 meetings as necessary;

7 (f) supervise destruction and removal of all sources of

8 filth which that cause disease;

9 (g) guard against the introduction of communicable

10 disease;

11 (h) supervise inspections of public establishments for

12 sanitary conditions;

13 (i) adopt necessary regulations that are no less

14 stringent than state standards for the control and disposal

15 of sewage from private and public buildings that is not

16 regulated by Title 75, chapter 6, or Title 76, chapter 4.

17 (2) Local boards may:

18 (a) quarantine persons who have communicable diseases;

19 (b) require isolation of persons or things which that

20 are infected with communicable diseases;

21 (c) furnish treatment for persons who have communicable

22 diseases;

23 (d) prohibit the use of places which that are infected

24 with communicable diseases;

25 (e) require and provide means for disinfecting places

1 which that are infected with communicable diseases;

2 (f) accept and spend funds received from a federal

3 agency, the state, a school district, or other persons;

4 (g) contract with another local board for all or a part

5 of local health services;

6 (h) reimburse local health officers for necessary

7 expenses incurred in official duties;

8 (i) abate nuisances affecting public health and safety

9 or bring action necessary to restrain the violation of

10 public health laws or rules;

11 (j) adopt necessary ~~regulations-and fees~~ to administer

12 regulations for the control and disposal of sewage from

13 private and public buildings ~~not-currently-connected-to--any~~

14 ~~municipal--system~~ (fees ~~shall~~ must be deposited with the

15 county treasurer);

16 (k) adopt rules which that do not conflict with rules

17 adopted by the department:

18 (i) for the control of communicable diseases;

19 (ii) for the removal of filth which that might cause

20 disease or adversely affect public health;

21 (iii) on sanitation in public buildings which that

22 affects public health;

23 (iv) for heating, ventilation, water supply, and waste

24 disposal in public accommodations which that might endanger

25 human lives; and

1 (v) ~~for the control and disposal of sewage from private~~
2 ~~and public buildings--and~~ for the maintenance of sewage
3 treatment systems ~~which~~ that do not discharge an effluent
4 directly into state waters and ~~which~~ that are not required
5 to have an operating permit as required by rules adopted
6 under 75-5-401."

7 NEW SECTION. **Section 3. Applicability.** [This act]
8 applies to proceedings begun after October 1, 1991.

-End-

HOUSE BILL NO. 162

INTRODUCED BY GILBERT, RANEY, T. BECK, GRADY, DRISCOLL,

HARP, YELLOWTAIL, WEEDING

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES TO ESTABLISH MINIMUM STANDARDS FOR THE CONTROL AND DISPOSAL OF SEWAGE FROM PRIVATE AND PUBLIC BUILDINGS; REQUIRING LOCAL BOARDS OF HEALTH TO ADOPT REGULATIONS THAT ARE NO LESS STRINGENT THAN STATE STANDARDS FOR THE CONTROL AND DISPOSAL OF SEWAGE FROM PRIVATE AND PUBLIC BUILDINGS; AMENDING SECTIONS 50-2-116 AND 75-5-305, MCA; AND PROVIDING AN APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill in order to provide guidance to the board of health and environmental sciences concerning rulemaking to establish minimum standards for the design, installation, and maintenance of new septic and sewage disposal systems that are connected to individual private and public buildings. THE RULES MUST INCLUDE A PROCEDURE FOR THE CONSIDERATION OF REQUESTS FOR VARIANCES FROM THE MINIMUM STANDARDS AND FOR A VARIANCE TO BE GRANTED IF WARRANTED, AS DETERMINED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES. THE VARIANCE PROCEDURE

MUST BE ADMINISTERED SOLELY BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES. Following the adoption of minimum state standards, local boards of health shall adopt regulations for new septic and sewage disposal systems that are no less stringent than the state standards. Local governments are not required to regulate septic and sewage disposal systems that the department of health and environmental sciences reviews and regulates under the requirements of Title 75, chapter 6, pertaining to public water supply systems, or the requirements of Title 76, chapter 4, pertaining to subdivisions.

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

Section 1. Section 75-5-305, MCA, is amended to read:

"75-5-305. Adoption of requirements for treatment of wastes. The board may establish minimum requirements for the treatment of wastes. The board shall establish minimum requirements for the control and disposal of sewage from private and public buildings."

Section 2. Section 50-2-116, MCA, is amended to read:

"50-2-116. Powers and duties of local boards. (1) Local boards shall:

(a) appoint a local health officer who is a physician or a person with a master's degree in public health or the equivalent and with appropriate experience, as determined by

THIRD READING

HB 162

1 the department, and shall fix his salary;

2 (b) elect a chairman and other necessary officers;

3 (c) employ necessary qualified staff;

4 (d) adopt bylaws to govern meetings;

5 (e) hold regular meetings quarterly and hold special

6 meetings as necessary;

7 (f) supervise destruction and removal of all sources of

8 filth which that cause disease;

9 (g) guard against the introduction of communicable

10 disease;

11 (h) supervise inspections of public establishments for

12 sanitary conditions;

13 (i) adopt necessary regulations that are no less

14 stringent than state standards for the control and disposal

15 of sewage from private and public buildings that is not

16 regulated by Title 75, chapter 6, or Title 76, chapter 4.

17 (2) Local boards may:

18 (a) quarantine persons who have communicable diseases;

19 (b) require isolation of persons or things which that

20 are infected with communicable diseases;

21 (c) furnish treatment for persons who have communicable

22 diseases;

23 (d) prohibit the use of places which that are infected

24 with communicable diseases;

25 (e) require and provide means for disinfecting places

1 which that are infected with communicable diseases;

2 (f) accept and spend funds received from a federal

3 agency, the state, a school district, or other persons;

4 (g) contract with another local board for all or a part

5 of local health services;

6 (h) reimburse local health officers for necessary

7 expenses incurred in official duties;

8 (i) abate nuisances affecting public health and safety

9 or bring action necessary to restrain the violation of

10 public health laws or rules;

11 (j) adopt necessary regulations-and fees to administer

12 regulations for the control and disposal of sewage from

13 private and public buildings ~~not-currently-connected-to-any~~

14 ~~municipal--system~~ (fees ~~shall~~ must be deposited with the

15 county treasurer);

16 (k) adopt rules which that do not conflict with rules

17 adopted by the department:

18 (i) for the control of communicable diseases;

19 (ii) for the removal of filth which that might cause

20 disease or adversely affect public health;

21 (iii) on sanitation in public buildings which that

22 affects public health;

23 (iv) for heating, ventilation, water supply, and waste

24 disposal in public accommodations which that might endanger

25 human lives; and

1 (v) ~~for the control and disposal of sewage from private~~
2 ~~and public buildings--and~~ for the maintenance of sewage
3 treatment systems which that do not discharge an effluent
4 directly into state waters and which that are not required
5 to have an operating permit as required by rules adopted
6 under 75-5-401."

7 NEW SECTION. **Section 3. Applicability.** [This act]
8 applies to proceedings begun after October 1, 1991.

-End-

SENATE STANDING COMMITTEE REPORT

Page 2 of 2
March 23, 1991

Page 1 of 2
March 23, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 162 (third reading copy -- blue), respectfully report that House Bill No. 162 be amended and as so amended be concurred in:

1. Title, line 12.
Following: "BUILDINGS;"
Insert: "PROVIDING FOR APPEAL OF A LOCAL VARIANCE DECISION TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES;"
2. Page 1, line 24 through page 2, line 2.
Following: "BY"
Strike: remainder of line 24 through "SCIENCES." on line 2, page 2
Insert: "local boards of health. The rules must also provide a procedure for persons to appeal a local board of health's decision on a variance to the department of health and environmental sciences."
3. Page 2, line 16.
Following: "wastes"
Insert: "-- variance procedure -- appeals"
Following: "."
Insert: "(1)"
4. Page 2, line 17.
Following: "wastes."
Insert: "(2)"
5. Page 2, line 19.
Following: "buildings"
Insert: ", including standards and procedures for variances from the requirements"
6. Page 2.
Following: line 19
Insert: "(3) An applicant for a variance from minimum requirements adopted by a local board of health pursuant to 50-2-116(1)(i) may appeal the local board of health's final decision to the department by submitting a written request for a hearing

within 30 days after the decision. The written request must describe the activity for which the variance is requested, include copies of all documents submitted to the local board of health in support of the variance, and specify the reasons for the appeal of the local board of health's final decision.

(4) The department shall conduct a hearing on the request pursuant to Title 2, chapter 4, part 6. Within 30 days after the hearing, the department shall grant, conditionally grant, or deny the variance. The department shall base its decision on the board's standards for a variance.

(5) A decision of the department pursuant to subsection (4) is appealable to district court under the provisions of Title 2, chapter 4, part 7."

7. Page 3, line 16.

Following: "4."

Insert: "The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the board of health and environmental sciences and must provide for appeal of variance decisions to the department as required by 75-5-305."

Signed: _____


Dorothy Eck, Chairman

KA 3-23-91
Ad. Coord.
SB 3-23-91 11:20
Sec. of Senate

1 HOUSE BILL NO. 162

2 INTRODUCED BY GILBERT, RANEY, T. BECK, GRADY, DRISCOLL,
 3 HARP, YELLOWTAIL, WEEDING
 4 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF
 7 HEALTH AND ENVIRONMENTAL SCIENCES TO ESTABLISH MINIMUM
 8 STANDARDS FOR THE CONTROL AND DISPOSAL OF SEWAGE FROM
 9 PRIVATE AND PUBLIC BUILDINGS; REQUIRING LOCAL BOARDS OF
 10 HEALTH TO ADOPT REGULATIONS THAT ARE NO LESS STRINGENT THAN
 11 STATE STANDARDS FOR THE CONTROL AND DISPOSAL OF SEWAGE FROM
 12 PRIVATE AND PUBLIC BUILDINGS; PROVIDING FOR APPEAL OF A
 13 LOCAL VARIANCE DECISION TO THE DEPARTMENT OF HEALTH AND
 14 ENVIRONMENTAL SCIENCES; AMENDING SECTIONS 50-2-116 AND
 15 75-5-305, MCA; AND PROVIDING AN APPLICABILITY DATE."

16
17 STATEMENT OF INTENT

18 A statement of intent is required for this bill in order
 19 to provide guidance to the board of health and environmental
 20 sciences concerning rulemaking to establish minimum
 21 standards for the design, installation, and maintenance of
 22 new septic and sewage disposal systems that are connected to
 23 individual private and public buildings. THE RULES MUST
 24 INCLUDE A PROCEDURE FOR THE CONSIDERATION OF REQUESTS FOR
 25 VARIANCES FROM THE MINIMUM STANDARDS AND FOR A VARIANCE TO

1 BE GRANTED IF WARRANTED, AS DETERMINED BY THE DEPARTMENT OF
 2 HEALTH AND ENVIRONMENTAL SCIENCES; -- THE -- VARIANCE -- PROCEDURE
 3 MUST -- BE -- ADMINISTERED -- SOLELY -- BY -- THE -- DEPARTMENT -- OF -- HEALTH -- AND
 4 ENVIRONMENTAL SCIENCES; LOCAL BOARDS OF HEALTH. THE RULES
 5 MUST ALSO PROVIDE A PROCEDURE FOR PERSONS TO APPEAL A LOCAL
 6 BOARD OF HEALTH'S DECISION ON A VARIANCE TO THE DEPARTMENT
 7 OF HEALTH AND ENVIRONMENTAL SCIENCES. Following the adoption
 8 of minimum state standards, local boards of health shall
 9 adopt regulations for new septic and sewage disposal systems
 10 that are no less stringent than the state standards. Local
 11 governments are not required to regulate septic and sewage
 12 disposal systems that the department of health and
 13 environmental sciences reviews and regulates under the
 14 requirements of Title 75, chapter 6, pertaining to public
 15 water supply systems, or the requirements of Title 76,
 16 chapter 4, pertaining to subdivisions.

17
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 **Section 1.** Section 75-5-305, MCA, is amended to read:

20 "75-5-305. Adoption of requirements for treatment of
 21 wastes -- VARIANCE PROCEDURE -- APPEALS. (1) The board may
 22 establish minimum requirements for the treatment of wastes.
 23 (2) The board shall establish minimum requirements for
 24 the control and disposal of sewage from private and public
 25 buildings, INCLUDING STANDARDS AND PROCEDURES FOR VARIANCES

1 FROM THE REQUIREMENTS.

2 (3) AN APPLICANT FOR A VARIANCE FROM MINIMUM
3 REQUIREMENTS ADOPTED BY A LOCAL BOARD OF HEALTH PURSUANT TO
4 50-2-116(1)(I) MAY APPEAL THE LOCAL BOARD OF HEALTH'S FINAL
5 DECISION TO THE DEPARTMENT BY SUBMITTING A WRITTEN REQUEST
6 FOR A HEARING WITHIN 30 DAYS AFTER THE DECISION. THE WRITTEN
7 REQUEST MUST DESCRIBE THE ACTIVITY FOR WHICH THE VARIANCE IS
8 REQUESTED, INCLUDE COPIES OF ALL DOCUMENTS SUBMITTED TO THE
9 LOCAL BOARD OF HEALTH IN SUPPORT OF THE VARIANCE, AND
10 SPECIFY THE REASONS FOR THE APPEAL OF THE LOCAL BOARD OF
11 HEALTH'S FINAL DECISION.

12 (4) THE DEPARTMENT SHALL CONDUCT A HEARING ON THE
13 REQUEST PURSUANT TO TITLE 2, CHAPTER 4, PART 6. WITHIN 30
14 DAYS AFTER THE HEARING, THE DEPARTMENT SHALL GRANT,
15 CONDITIONALLY GRANT, OR DENY THE VARIANCE. THE DEPARTMENT
16 SHALL BASE ITS DECISION ON THE BOARD'S STANDARDS FOR A
17 VARIANCE.

18 (5) A DECISION OF THE DEPARTMENT PURSUANT TO SUBSECTION
19 (4) IS APPEALABLE TO DISTRICT COURT UNDER THE PROVISIONS OF
20 TITLE 2, CHAPTER 4, PART 7."

21 **Section 2.** Section 50-2-116, MCA, is amended to read:

22 ***50-2-116. Powers and duties of local boards.** (1) Local
23 boards shall:

24 (a) appoint a local health officer who is a physician
25 or a person with a master's degree in public health or the

1 equivalent and with appropriate experience, as determined by
2 the department, and shall fix his salary;

3 (b) elect a chairman and other necessary officers;

4 (c) employ necessary qualified staff;

5 (d) adopt bylaws to govern meetings;

6 (e) hold regular meetings quarterly and hold special
7 meetings as necessary;

8 (f) supervise destruction and removal of all sources of
9 filth which that cause disease;

10 (g) guard against the introduction of communicable
11 disease;

12 (h) supervise inspections of public establishments for
13 sanitary conditions;

14 (i) adopt necessary regulations that are no less
15 stringent than state standards for the control and disposal
16 of sewage from private and public buildings that is not
17 regulated by Title 75, chapter 6, or Title 76, chapter 4.

18 THE REGULATIONS MUST DESCRIBE STANDARDS FOR GRANTING
19 VARIANCES FROM THE MINIMUM REQUIREMENTS THAT ARE IDENTICAL
20 TO STANDARDS PROMULGATED BY THE BOARD OF HEALTH AND
21 ENVIRONMENTAL SCIENCES AND MUST PROVIDE FOR APPEAL OF
22 VARIANCE DECISIONS TO THE DEPARTMENT AS REQUIRED BY
23 75-5-305.

24 (2) Local boards may:

25 (a) quarantine persons who have communicable diseases;

1 (b) require isolation of persons or things which that
 2 are infected with communicable diseases;

3 (c) furnish treatment for persons who have communicable
 4 diseases;

5 (d) prohibit the use of places which that are infected
 6 with communicable diseases;

7 (e) require and provide means for disinfecting places
 8 which that are infected with communicable diseases;

9 (f) accept and spend funds received from a federal
 10 agency, the state, a school district, or other persons;

11 (g) contract with another local board for all or a part
 12 of local health services;

13 (h) reimburse local health officers for necessary
 14 expenses incurred in official duties;

15 (i) abate nuisances affecting public health and safety
 16 or bring action necessary to restrain the violation of
 17 public health laws or rules;

18 (j) adopt necessary ~~regulations-and fees to administer~~
 19 regulations for the control and disposal of sewage from
 20 private and public buildings ~~not-currently-connected-to-any~~
 21 ~~municipal--system~~ (fees shall must be deposited with the
 22 county treasurer);

23 (k) adopt rules which that do not conflict with rules
 24 adopted by the department:

25 (i) for the control of communicable diseases;

1 (ii) for the removal of filth which that might cause
 2 disease or adversely affect public health;

3 (iii) on sanitation in public buildings which that
 4 affects public health;

5 (iv) for heating, ventilation, water supply, and waste
 6 disposal in public accommodations which that might endanger
 7 human lives; and

8 (v) ~~for-the-control-and-disposal-of-sewage-from-private~~
 9 ~~and-public-buildings--and~~ for the maintenance of sewage
 10 treatment systems which that do not discharge an effluent
 11 directly into state waters and which that are not required
 12 to have an operating permit as required by rules adopted
 13 under 75-5-401."

14 NEW SECTION. Section 3. Applicability. [This act]
 15 applies to proceedings begun after October 1, 1991.

-End-