

HOUSE BILL NO. 988

INTRODUCED BY CROMLEY
BY REQUEST OF THE DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

MARCH 13, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & ECONOMIC DEVELOPMENT.

 FIRST READING.

MARCH 20, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

MARCH 21, 1991 PRINTING REPORT.

MARCH 23, 1991 SECOND READING, DO PASS.

MARCH 25, 1991 ENGROSSING REPORT.

MARCH 26, 1991 THIRD READING, PASSED.
AYES, 54; NOES, 40.

 TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 26, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & INDUSTRY.

 FIRST READING.

APRIL 2, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 4, 1991 SECOND READING, CONCURRED IN.

APRIL 5, 1991 THIRD READING, CONCURRED IN.
AYES, 46; NOES, 4.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 10, 1991 RECEIVED FROM SENATE.

 SECOND READING, AMENDMENTS
CONCURRED IN. MOTION FAILED.

AYES, 37; NOES, 59.

APRIL 12, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 16, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 18, 1991

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 19, 1991

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 19, 1991

FREE CONFERENCE COMMITTEE REPORTED.

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

APRIL 20, 1991

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 20, 1991

FREE CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 20, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 988
 2 INTRODUCED BY CROMLEY
 3 BY REQUEST OF THE DEPARTMENT OF HEALTH
 4 AND ENVIRONMENTAL SCIENCES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 7 LAWS RELATING TO REGULATION OF CAMPGROUNDS, TRAILER COURTS,
 8 WORK CAMPS, AND YOUTH CAMPS; INCREASING THE FEE FOR
 9 LICENSING OF CAMPGROUNDS, TRAILER COURTS, WORK CAMPS, AND
 10 YOUTH CAMPS; CREATING A SPECIAL REVENUE ACCOUNT FOR THE
 11 DEPOSIT OF LICENSE FEES; ALLOCATING MONEY IN THE ACCOUNT TO
 12 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES;
 13 CLARIFYING WHO MAY CONDUCT INVESTIGATIONS AND INSPECTIONS;
 14 CLARIFYING THAT HEALTH OFFICERS AND SANITARIANS HAVE FREE
 15 ACCESS TO CAMPGROUNDS, TRAILER COURTS, WORK CAMPS, AND YOUTH
 16 CAMPS FOR THE PURPOSE OF CONDUCTING INVESTIGATIONS AND
 17 INSPECTIONS; REQUIRING MINIMUM PERFORMANCE STANDARDS THAT
 18 MUST BE MET IN ORDER FOR THE LOCAL BOARD OF HEALTH TO
 19 RECEIVE PAYMENTS FROM THE LOCAL BOARD INSPECTION FUND
 20 ACCOUNT; REQUIRING PAYMENTS RECEIVED FROM THE ACCOUNT TO BE
 21 USED ONLY FOR THE PURPOSE OF INSPECTION AND ENFORCEMENT;
 22 PROHIBITING FUNDS FROM THE LOCAL BOARD INSPECTION FUND
 23 ACCOUNT FROM BEING USED TO SUPPLANT OTHER FUNDS RECEIVED BY
 24 THE LOCAL BOARD OF HEALTH; PROVIDING CIVIL PENALTIES FOR THE
 25 VIOLATION OF LAWS REGULATING CAMPGROUNDS, TRAILER COURTS,

1 WORK CAMPS, AND YOUTH CAMPS; ALLOWING THE DEPARTMENT AND
 2 COUNTIES TO RECOVER THE COSTS OF INVESTIGATIONS AND OTHER
 3 EXPENSES IN ENFORCING THE LAWS; AND AMENDING SECTIONS
 4 50-52-202, 50-52-301, AND 50-52-302, MCA."

STATEMENT OF INTENT

6
 7 A statement of intent is required for this bill because
 8 it amends 50-52-301 and 50-52-302 to grant the department of
 9 health and environmental sciences authority to adopt rules.

10 It is intended that the department adopt rules to:

11 (1) require health officers and sanitarians to make
 12 investigations and inspections of campgrounds, trailer
 13 courts, work camps, and youth camps and make reports to the
 14 department; and

15 (2) establish minimum program performance standards
 16 that must be met in order for the local board of health to
 17 receive payments from the local board inspection fund
 18 account.

19 It is intended that minimum performance standards
 20 include but not be limited to measures necessary to ensure
 21 the accuracy of inspection reports and to allow statewide
 22 standardization of inspections and the documentation of work
 23 performed.

24 Also, it is recognized that the exact nature of
 25 necessary reporting requirements and performance standards



INTRODUCED BILL
 HB 988

1 is still in the developmental stages. Therefore, it is
 2 intended that these requirements be adopted only after close
 3 coordination with local health departments and boards and
 4 extensive solicitation of comments prior to adoption of
 5 final requirements.

6
 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 **Section 1.** Section 50-52-202, MCA, is amended to read:

9 **"50-52-202. License fee -- late fee.** (1) Each
 10 application shall be accompanied by a fee of \$30 \$50.

11 (2) The department shall deposit 85% of the fees
 12 ~~collected in-the-state-special-revenue-fund-to-the-credit-of~~
 13 under subsection (1) into the local board inspection fund
 14 account created by in 50-2-108(2) and-the. The balance of
 15 the fees collected under subsection (1) must be deposited in
 16 the state-general-fund account provided for in [section 2].

17 (3) In addition to the license fee required under
 18 subsection (1), the department shall collect a late fee from
 19 any licensee who has failed to submit a license renewal fee
 20 prior to the expiration of his current license and who
 21 operates an establishment governed by this part in the next
 22 licensing year. The late fee is \$25 and must be deposited in
 23 the ~~state-general-fund~~ account provided for in [section 2]."

24 **NEW SECTION. Section 2.** Special revenue account. There
 25 is an account in the state special revenue fund. Money in

1 the account is allocated to the department to be used to
 2 administer the provisions of this chapter and the rules
 3 adopted under it.

4 **Section 3.** Section 50-52-301, MCA, is amended to read:

5 **"50-52-301. Health officers and sanitarians to make**
 6 investigations and inspections. The-department-or State and
 7 local health officer or----sanitarian officers[,
 8 sanitarians-in-training,] and registered sanitarians shall
 9 inspect make investigations and inspections of
 10 establishments during--reasonable-hours and make reports to
 11 the department as necessary required under rules adopted by
 12 the department."

13 **Section 4.** Section 50-52-302, MCA, is amended to read:

14 **"50-52-302. Department to pay local board for**
 15 inspection and enforcement. (1) Before June 30 of each year,
 16 the department shall pay to a local board of health, as
 17 established under 50-2-104, 50-2-106, or 50-2-107, an amount
 18 from the local board inspection fund ~~account~~ account
 19 created by in 50-2-108(2) which-is that must be used only
 20 for the purpose of inspecting establishments licensed under
 21 this chapter and enforcing the provisions of this chapter;
 22 provided, however, that:

23 (a) there is a functioning local board of health; and
 24 that

25 (b) the local board of health, local health officers,

1 [sanitarians-in-training,] and registered sanitarians:

2 (i) assist in the inspections and enforcement of the
3 provisions of this chapter and the rules adopted under it;
4 and

5 (ii) meet minimum program performance standards as
6 established under rules adopted by the department.

7 (2) The funds received by the local board of health
8 shall pursuant to subsection (1) must be deposited with the
9 appropriate local fiscal authority and ~~shall-be-in-addition~~
10 ~~to-the-funds-appropriated-under--50-2-108--through--50-2-114~~
11 must be used to supplement, but not supplant, other funds
12 received by the local board of health that in the absence of
13 funding received under subsection (1) would be made
14 available for the same purpose.

15 (3) Funds in the local board inspection fund account
16 not paid to the local board of health as provided in
17 subsection (1) may be used by the department, within any
18 jurisdiction that does not qualify to receive payments from
19 the local board inspection fund, to enforce the provisions
20 of this chapter and the rules adopted under it."

21 **NEW SECTION. Section 5.** Civil penalties -- injunctions
22 not barred. (1) An establishment that violates this chapter
23 or rules adopted by the department pursuant to this chapter
24 is subject to a civil penalty not to exceed \$500. Each day
25 of violation constitutes a separate violation.

1 (2) Civil action to impose penalties, as provided under
2 this section, does not bar injunctions to enforce compliance
3 with this chapter or to enforce compliance with a rule
4 adopted by the department pursuant to this chapter.

5 **NEW SECTION. Section 6.** Costs and expenses -- recovery
6 by department or county. In a civil action initiated by the
7 department or county under this chapter, the court may, by
8 petition of the department or county, order an establishment
9 that is found in violation of this chapter or rules adopted
10 under this chapter to pay the costs of investigations and
11 any other expenses incurred in enforcing the provisions of
12 this chapter.

13 **NEW SECTION. Section 7.** Health officers and
14 sanitarians to have access to establishments. State and
15 local health officers[, sanitarians-in-training,] and
16 registered sanitarians must be provided free access to
17 establishments at all reasonable hours for the purpose of
18 conducting investigations and inspections as required under
19 this chapter.

20 **NEW SECTION. Section 8.** Codification instruction.
21 [Sections 2 and 5 through 7] are intended to be codified as
22 an integral part of Title 50, chapter 52, and the provisions
23 of Title 50, chapter 52, apply to [sections 2 and 5 through
24 7].

25 **NEW SECTION. Section 9.** Coordination instruction. If

LC 1182/01

1 House Bill No. 513 is passed and approved and if it includes
2 a section defining a sanitarian-in-training, then the
3 bracketed language in [sections 3, 4, and 7 of this act] is
4 effective.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0988, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


A bill to generally revise the laws relating to regulation of campgrounds, trailer courts, work camps, and youth camps; increasing fees for licensing of such facilities; creating a special revenue account; allocating funds from the special revenue account to DHES and requiring minimum performance standards for local boards of health to receive funds from the account; providing civil penalties; and authorizing DHES to recover enforcement costs.

ASSUMPTIONS:

1. The number of annual trailer court/campground establishment licenses issued will remain reasonably constant.
2. The current annual license fee/trailer court/campground establishment of \$30 of which 85% (\$25.50) is deposited in the state special revenue account (local board inspection fund) and 15% (\$4.50) is deposited in the state general fund will be increased to \$50/trailer court/campground establishment with 85% (\$42.50) deposited in the state special revenue account (local board inspection fund), 9% (\$4.50) deposited in the state general fund, and 6% (\$3.00) deposited in the special revenue account earmarked for the department.
3. 5% of annual trailer court/campground establishment license renewals will be delinquent with a late fee penalty of \$25 assessed.
4. The special revenue account earmarked to the department will be used as the funding source for necessary program development resulting from the proposed legislation.

FISCAL IMPACT:

see next page



ROD SUNDSTED, BUDGET DIRECTOR 3-18-91
Office of Budget and Program Planning DATE



BRENT R. CROMLEY, PRIMARY SPONSOR 3-18-91
DATE

Fiscal Note for HB0988, as introduced.

HB 988-1

Fiscal Note Request, HB0988, as introduced.
 Form BD-15
 Page 2

FISCAL IMPACT:

Department of Health and Environmental Sciences:

	FY92			FY93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Expenses	0	5,775	5,775	0	3,460	3,460
Grants	<u>35,700</u>	<u>59,500</u>	<u>23,800</u>	<u>35,700</u>	<u>59,500</u>	<u>23,800</u>
Total	35,700	65,275	29,575	35,700	62,960	27,260
<u>Funding:</u>						
Local Brd Insp. Fund (02)	35,700	65,275	29,575	35,700	62,960	27,260
<u>Revenues:</u>						
Late Penalty Fee (01)	1,750	0	(1,750)	1,750	0	(1,750)
Local Brd Insp. Fund (02)	35,700	59,500	23,800	35,700	59,500	23,800
License Renewal (02)	0	4,200	4,200	0	4,200	4,200
Late Penalty Fee (02)	<u>0</u>	<u>1,750</u>	<u>1,750</u>	<u>0</u>	<u>1,750</u>	<u>1,750</u>
Total	37,450	65,450	28,000	37,450	65,450	28,000
<u>Net Impact:</u>						
General Fund (decrease)			(1,750)			(1,750)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Increasing the trailer court/campground establishment licensure fee from \$30 to \$50 with 85% deposited in the local board inspection fund would increase the reimbursement per establishment from \$25.50 to \$42.50 for inspection and enforcement of trailer court/campground establishments by local environmental health programs. Reimbursement from the local board inspection fund to local environmental health programs representing all 56 counties is made in proportion to the number of establishments licensed per jurisdiction.

HB 988-1

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0988, third reading, with amendments

DESCRIPTION OF PROPOSED LEGISLATION:


A bill to generally revise the laws relating to regulation of campgrounds, trailer courts, work camps, and youth camps; increasing fees for licensing of such facilities; creating a special revenue account; allocating funds from the special revenue account to DHES and requiring minimum performance standards for local boards of health to receive funds from the account; providing civil penalties; and authorizing DHES to recover enforcement costs.

ASSUMPTIONS:

1. The number of annual trailer court/campground establishment licenses issued will remain reasonably constant.
2. The current annual license fee/trailer court/campground establishment of \$30 of which 85% (\$25.50) is deposited in the state special revenue account (local board inspection fund) and 15% (\$4.50) is deposited in the state general fund will be increased to \$40/trailer court/campground establishment with 85% (\$34.00) deposited in the state special revenue account (local board inspection fund), 9% (\$3.60) deposited in the state general fund, and 6% (\$2.40) deposited in the special revenue account earmarked for the department.
3. 5% of annual trailer court/campground establishment license renewals will be delinquent with a late fee penalty of \$25 assessed.
4. The special revenue account earmarked to the department will be used as the funding source for necessary program development resulting from the proposed legislation.

FISCAL IMPACT:

see next page



ROD SUNDSTED, BUDGET DIRECTOR 4-3-91 DATE
Office of Budget and Program Planning



BRENT R. CROMLEY, PRIMARY SPONSOR 4/4/91 DATE

Fiscal Note for HB0988, third reading, with amendments.

HB 988-2

FISCAL IMPACT:

Department of Health and Environmental Sciences:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Operating Expenses	0	5,775	5,775	0	3,460	3,460
Grants	<u>35,700</u>	<u>47,600</u>	<u>11,900</u>	<u>35,700</u>	<u>47,600</u>	<u>11,900</u>
Total	35,700	53,375	17,675	35,700	51,060	15,360
<u>Funding:</u>						
General Fund	0	665	665	0	0	0
Local Brd Insp. Fund (02)	<u>35,700</u>	<u>52,710</u>	<u>17,010</u>	<u>35,700</u>	<u>51,060</u>	<u>15,360</u>
Total	35,700	53,375	17,675	35,700	51,060	15,360
<u>Revenues:</u>						
Late Penalty Fee (01)	1,750	0	(1,750)	1,750	0	(1,750)
License Renewals (01)	6,300	5,040	(1,260)	6,300	5,040	(1,260)
Local Brd Insp. Fund (02)	35,700	47,600	11,900	35,700	47,600	11,900
License Renewal (02)	0	3,360	3,360	0	3,360	3,360
Late Penalty Fee (02)	<u>0</u>	<u>1,750</u>	<u>1,750</u>	<u>0</u>	<u>1,750</u>	<u>1,750</u>
Total	43,750	57,750	14,000	43,750	57,750	14,000
<u>Net Impact:</u>						
General Fund (decrease)			(3,675)			(3,010)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Increasing the trailer court/campground establishment licensure fee from \$30 to \$40 with 85% deposited in the local board inspection fund would increase the reimbursement per establishment from \$25.50 to \$34.00 for inspection and enforcement of trailer court/campground establishments by local environmental health programs. Reimbursement from the local board inspection fund to local environmental health programs representing all 56 counties is made in proportion to the number of establishments licensed per jurisdiction.

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

1 HOUSE BILL NO. 988
 2 INTRODUCED BY CROMLEY
 3 BY REQUEST OF THE DEPARTMENT OF HEALTH
 4 AND ENVIRONMENTAL SCIENCES
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 7 LAWS RELATING TO REGULATION OF CAMPGROUNDS, TRAILER COURTS,
 8 WORK CAMPS, AND YOUTH CAMPS; INCREASING THE FEE FOR
 9 LICENSING OF CAMPGROUNDS, TRAILER COURTS, WORK CAMPS, AND
 10 YOUTH CAMPS; CREATING A SPECIAL REVENUE ACCOUNT FOR THE
 11 DEPOSIT OF A PORTION OF LICENSE FEES; ALLOCATING MONEY IN
 12 THE ACCOUNT TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
 13 SCIENCES; CLARIFYING WHO MAY CONDUCT INVESTIGATIONS AND
 14 INSPECTIONS; CLARIFYING THAT HEALTH OFFICERS AND SANITARIANS
 15 HAVE FREE ACCESS TO CAMPGROUNDS, TRAILER COURTS, WORK CAMPS,
 16 AND YOUTH CAMPS FOR THE PURPOSE OF CONDUCTING INVESTIGATIONS
 17 AND INSPECTIONS; REQUIRING MINIMUM PERFORMANCE STANDARDS
 18 THAT MUST BE MET IN ORDER FOR THE LOCAL BOARD OF HEALTH TO
 19 RECEIVE PAYMENTS FROM THE LOCAL BOARD INSPECTION FUND
 20 ACCOUNT; REQUIRING PAYMENTS RECEIVED FROM THE ACCOUNT TO BE
 21 USED ONLY FOR THE PURPOSE OF INSPECTION AND ENFORCEMENT;
 22 PROHIBITING FUNDS FROM THE LOCAL BOARD INSPECTION FUND
 23 ACCOUNT FROM BEING USED TO SUPPLANT OTHER FUNDS RECEIVED BY
 24 THE LOCAL BOARD OF HEALTH; PROVIDING CIVIL PENALTIES FOR THE
 25 VIOLATION OF LAWS REGULATING CAMPGROUNDS, TRAILER COURTS,

1 WORK CAMPS, AND YOUTH CAMPS; ALLOWING THE DEPARTMENT AND
 2 COUNTIES TO RECOVER THE COSTS OF INVESTIGATIONS AND OTHER
 3 EXPENSES IN ENFORCING THE LAWS; AND AMENDING SECTIONS
 4 50-52-202, 50-52-301, AND 50-52-302, MCA."
 5

STATEMENT OF INTENT

A statement of intent is required for this bill because it amends 50-52-301 and 50-52-302 to grant the department of health and environmental sciences authority to adopt rules.

It is intended that the department adopt rules to:

(1) require health officers and sanitarians to make investigations and inspections of campgrounds, trailer courts, work camps, and youth camps and make reports to the department; and

(2) establish minimum program performance standards that must be met in order for the local board of health to receive payments from the local board inspection fund account.

It is intended that minimum performance standards include but not be limited to measures necessary to ensure the accuracy of inspection reports and to allow statewide standardization of inspections and the documentation of work performed.

Also, it is recognized that the exact nature of necessary reporting requirements and performance standards



1 is still in the developmental stages. Therefore, it is
 2 intended that these requirements be adopted only after close
 3 coordination with local health departments and boards and
 4 extensive solicitation of comments prior to adoption of
 5 final requirements.

6

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

8 **Section 1.** Section 50-52-202, MCA, is amended to read:

9 **"50-52-202.** License fee -- late fee. (1) Each
 10 application shall be accompanied by a fee of ~~930~~ 950 \$40.

11 (2) The department shall deposit 85% of the fees
 12 ~~collected in-the-state-special-revenue-fund-to-the-credit-of~~
 13 under subsection (1) into the local board inspection fund
 14 account created by in 50-2-108(2) and the ~~The balance, 9%~~
 15 OF THE FEES INTO THE GENERAL FUND, AND 6% of the fees
 16 collected under subsection (1) must-be-deposited in INTO the
 17 state-general-fund account provided for in [section 2].

18 (3) In addition to the license fee required under
 19 subsection (1), the department shall collect a late fee from
 20 any licensee who has failed to submit a license renewal fee
 21 prior to the expiration of his current license and who
 22 operates an establishment governed by this part in the next
 23 licensing year. The late fee is \$25 and must be deposited in
 24 the state-general-fund account provided for in [section 2]."

25 NEW SECTION. **Section 2.** Special revenue account. There

1 is an account in the state special revenue fund. Money in
 2 the account is allocated to the department to be used to
 3 administer the provisions of this chapter and the rules
 4 adopted under it.

5 **Section 3.** Section 50-52-301, MCA, is amended to read:

6 **"50-52-301.** Health officers and sanitarians to make
 7 investigations and inspections. The-department-or State and
 8 local health officer or---sanitarian officers[,
 9 sanitarians-in-training,] and registered sanitarians shall
 10 inspect make investigations and inspections of
 11 establishments during-reasonable-hours and make reports to
 12 the department as necessary required under rules adopted by
 13 the department."

14 **Section 4.** Section 50-52-302, MCA, is amended to read:

15 **"50-52-302.** Department to pay local board for
 16 inspection and enforcement. (1) Before June 30 of each year,
 17 the department shall pay to a local board of health, as
 18 established under 50-2-104, 50-2-106, or 50-2-107, an amount
 19 from the local board inspection fund ~~{account}~~ account
 20 created by in 50-2-108(2) which-is that must be used only
 21 for the purpose of inspecting establishments licensed under
 22 this chapter and enforcing the provisions of this chapter;
 23 provided, however, that:

24 (a) there is a functioning local board of health; and
 25 that

1 (b) the local board of health, local health officers,
2 [sanitarians-in-training,] and registered sanitarians:

3 (i) assist in the inspections and enforcement of the
4 provisions of this chapter and the rules adopted under it;
5 and

6 (ii) meet minimum program performance standards as
7 established under rules adopted by the department.

8 (2) The funds received by the local board of health
9 shall pursuant to subsection (1) must be deposited with the
10 appropriate local fiscal authority and shall-be-in--addition
11 to--the--funds--appropriated-under-50-2-100-through-50-2-114
12 must be used to supplement, but not supplant, other funds
13 received by the local board of health that in the absence of
14 funding received under subsection (1) would be made
15 available for the same purpose.

16 (3) Funds in the local board inspection fund account
17 not paid to the local board of health as provided in
18 subsection (1) may be used by the department, within any
19 jurisdiction that does not qualify to receive payments from
20 the local board inspection fund, to enforce the provisions
21 of this chapter and the rules adopted under it."

22 NEW SECTION. Section 5. Civil penalties -- injunctions
23 not barred. (1) An establishment that violates this chapter
24 or rules adopted by the department pursuant to this chapter
25 is subject to a civil penalty not to exceed \$500. Each-day

1 ~~of-violation-constitutes-a-separate-violation.~~

2 (2) Civil action to impose penalties, as provided under
3 this section, does not bar injunctions to enforce compliance
4 with this chapter or to enforce compliance with a rule
5 adopted by the department pursuant to this chapter.

6 NEW SECTION. Section 6. Costs and expenses -- recovery
7 by department or county. In a civil action initiated by the
8 department or county under this chapter, the court may, by
9 petition of the department or county, order an establishment
10 that is found in violation of this chapter or rules adopted
11 under this chapter to pay the costs of investigations and
12 any other expenses incurred in enforcing the provisions of
13 this chapter.

14 NEW SECTION. Section 7. Health officers and
15 sanitarians to have access to establishments. State and
16 local health officers[, sanitarians-in-training,] and
17 registered sanitarians must be provided free access to
18 establishments at all reasonable hours for the purpose of
19 conducting investigations and inspections as required under
20 this chapter.

21 NEW SECTION. Section 8. Codification instruction.
22 [Sections 2 and 5 through 7] are intended to be codified as
23 an integral part of Title 50, chapter 52, and the provisions
24 of Title 50, chapter 52, apply to [sections 2 and 5 through
25 7].

HB 0988/02

1 NEW SECTION. Section 9. Coordination instruction. If
2 House Bill No. 943 is passed and approved and if it includes
3 a section defining a sanitarian-in-training, then the
4 bracketed language in [sections 3, 4, and 7 of this act] is
5 effective.

-End-

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 15 HAVE FREE ACCESS TO CAMPGROUNDS, TRAILER COURTS, WORK CAMPS,
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 3 EXPENSES IN ENFORCING THE LAWS; AND AMENDING SECTIONS
 4 50-52-202, 50-52-301, AND 50-52-302, MCA."
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 9 health and environmental sciences authority to adopt rules.

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 16 that must be met in order for the local board of health to
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 10 application shall be accompanied by a fee of \$30 ~~\$50~~ \$40.

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 12 ~~collected in the state special revenue fund to the credit of~~
 13 ~~under subsection (1) into the local board inspection fund~~
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 15 OF THE FEES INTO THE GENERAL FUND, AND 6% of the fees
 16 collected under subsection (1) must be deposited in INTO the
 17 state-general-fund account provided for in [section 2].

18 (3) In addition to the license fee required under
 19 subsection (1), the department shall collect a late fee from
 20 any licensee who has failed to submit a license renewal fee
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 22 operates an establishment governed by this part in the next
 23 licensing year. The late fee is \$25 and must be deposited in
 24 the ~~state-general-fund~~ account provided for in [section 2]."

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15 "50-52-302. Department to pay local board for
 16 inspection and enforcement. (1) Before June 30 of each year,
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 19 from the local board inspection fund {~~account~~} account
 20 created by in 50-2-108(2) which is that must be used only
 21 for the purpose of inspecting establishments licensed under
 22 this chapter and enforcing the provisions of this chapter;
 23 provided, however, that:

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 25 that

1 (b) the local board of health, local health officers,
2 [sanitarians-in-training,] and registered sanitarians;

3 (i) assist in the inspections and enforcement of the
4 provisions of this chapter and the rules adopted under it;
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7 established under rules adopted by the department.

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9 shall pursuant to subsection (1) must be deposited with the
10 appropriate local fiscal authority and shall-be-in--addition
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12 must be used to supplement, but not supplant, other funds
13 received by the local board of health that in the absence of
14 funding received under subsection (1) would be made
15 available for the same purpose.

16 (3) Funds in the local board inspection fund account
17 not paid to the local board of health as provided in
18 subsection (1) may be used by the department, within any
19 jurisdiction that does not qualify to receive payments from
20 the local board inspection fund, to enforce the provisions
21 of this chapter and the rules adopted under it."

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23 not barred. (1) An establishment that violates this chapter
24 or rules adopted by the department pursuant to this chapter
25 is subject to a civil penalty not to exceed \$500. Each-day

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7 by department or county. In a civil action initiated by the
8 department or county under this chapter, the court may, by
9 petition of the department or county, order an establishment
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12 any other expenses incurred in enforcing the provisions of
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15 sanitarians to have access to establishments. State and
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19 conducting investigations and inspections as required under
20 this chapter.

21 NEW SECTION. Section 8. Codification instruction.
22 [Sections 2 and 5 through 7] are intended to be codified as
23 an integral part of Title 50, chapter 52, and the provisions
24 of Title 50, chapter 52, apply to [sections 2 and 5 through
25 7].

HB 0988/02

1 NEW SECTION. **Section 9.** Coordination instruction. If
2 House Bill No 943 is passed and approved and if it includes
3 a section defining a sanitarian-in-training, then the
4 bracketed language in [sections 3, 4, and 7 of this act] is
5 effective.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 2, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 988 (third reading copy -- blue), respectfully report that House Bill No. 988 be amended and as so amended be concurred in:

1. Page 3, line 10.

Strike: "\$40"

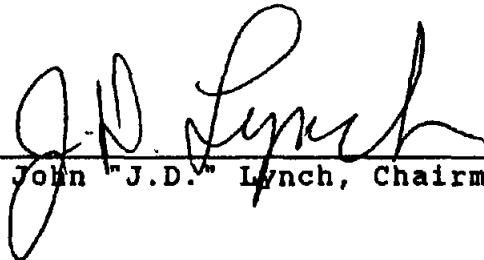
Insert: "\$50"

2. Page 6, line 8.

Following: "may,"

Insert: "in the case of a willful violation of this chapter,"

Signed:


John "J.D." Lynch, Chairman

JM 4-2-91
Amd. Coord.

SB 4-2
Sec. of Senate

SENATE
HB 988

1 HOUSE BILL NO. 988
2 INTRODUCED BY CROMLEY
3 BY REQUEST OF THE DEPARTMENT OF HEALTH
4 AND ENVIRONMENTAL SCIENCES
5
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7 LAWS RELATING TO REGULATION OF CAMPGROUNDS, TRAILER COURTS,
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9 LICENSING OF CAMPGROUNDS, TRAILER COURTS, WORK CAMPS, AND
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11 DEPOSIT OF A PORTION OF LICENSE FEES; ALLOCATING MONEY IN
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15 HAVE FREE ACCESS TO CAMPGROUNDS, TRAILER COURTS, WORK CAMPS,
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HB 0988/03

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6 bracketed language in [sections 3, 4, and 7 of this act] is
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-End-

Free Conference Committee
on House Bill 988
Report No. 1, April 18, 1991

4-19-91
8:55 am
POA

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 988 and recommend that House Bill 988 (reference copy -- salmon) be amended as follows:

1. Page 3, line 11.

Strike: "\$50"

Insert: "\$40"

2. Page 3, line 15.

Strike: "9%"

Insert: "11.25%"

3. Page 3, line 16.

Strike: "6%"

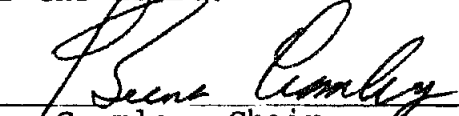
Insert: "3.75%"

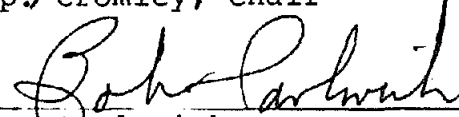
4. Page 6, lines 9 and 10.

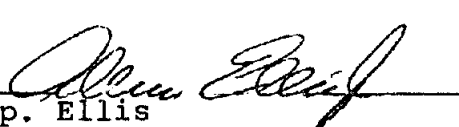
Strike: "IN THE CASE OF A WILLFUL VIOLATION OF THIS CHAPTER,"

And this Free Conference Committee report be adopted.

For the House:

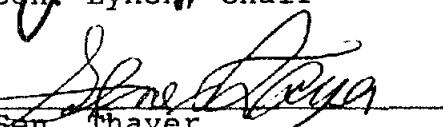

Rep. Cromley, Chair



Rep. Pavlovich


Rep. Ellis

For the Senate:


Sen. Lynch, Chair


Sen. Thayer


Sen. Kennedy

ADOPT
REJECT

F.C.C.R #1
HB 988
831101CC.HSF

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HB 0988/04

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