

1 House BILL NO. 471
2 INTRODUCED BY Table, by request
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
5 69-4519 AND 69-4509, R.C.M. 1947, BY PROVIDING AN INCREASE
6 IN FINES AND DECLARING EACH DAY OF VIOLATION A SEPARATE
7 OFFENSE, PERMITTING INJUNCTIVE ACTION; AND CREATING A NEW
8 SECTION PROVIDING FOR COUNTY ATTORNEY TO SERVE AS LEGAL
9 ADVISOR FOR LOCAL BOARDS OF HEALTH."

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11 IF IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. There is a new R.C.M. section numbered
13 69-4508.1 that reads as follows:

14 69-4508.1. Legal advisor. The county attorney shall
15 serve as legal advisor to local boards as established by
16 sections 69-4504 and 69-4506, R.C.M. 1947. The county
17 attorney shall represent the local board in those matters
18 relating to the functions, powers and duties of local
19 boards.

20 Section 2. Section 69-4509, R.C.M. 1947, is amended to
21 read as follows:

22 "69-4509. Functions, powers and duties of local boards
23 of health. (1) Local 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

1 equivalent and appropriate experience as determined by the
2 department and 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 cause disease;

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

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13 sanitary conditions.

14 (2) Local boards may:

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17 infected with communicable diseases;

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19 diseases;

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21 communicable diseases;

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23 which are infected with communicable diseases;

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

HB 471

1 (g) contract with another local board for all, or a
2 part of, local health services;

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4 expenses incurred in official duties;

5 (i) abate nuisances affecting public health and safety,
6 or bring action necessary to restrain the violation of
7 public health laws or rules;

8 (j) adopt necessary regulations and fees for the
9 control and disposal of sewage from private and public
10 buildings not currently connected to any municipal system.
11 Fees shall be deposited with the county treasurer;

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LC 0830

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HB 471

Approved by Committee
on Judiciary

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March 18, 1975

SENATE COMMITTEE ON JUDICIARY
AMENDMENTS TO HOUSE BILL NO. 471

That House Bill No. 471, third reading, be amended as follows:

1. Amend title, line 6.
Following: line 5
Strike: "PROVIDING AN INCREASE IN FINES AND"

2. Amend page 3, section 3, line 24.
Following: "Penalty."
Insert: "(1) If a person refuses or neglects to comply with a written order of a state or local health officer within a reasonable time specified in the order, the state or local health officer may cause the order to be complied with and initiate an action to recover any expenses incurred from the person who refused or neglected to comply with the order. The action to recover expenses shall be brought in the name of the city or county.

(2) A person who does not comply with rules adopted by a local board is guilty of a misdemeanor. On conviction, he shall be fined not less than ten (\$10) nor more than fifty dollars (\$50).

(3) Except as provided in subsections (1) and (2) of this section, a person who violates the provisions of this chapter, or rules adopted by the department under the provisions of this chapter, is guilty of a misdemeanor. On conviction, he shall be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500), imprisoned for not more than ninety (90) days, or both."

3. Amend page 4, section 3, lines 17 through 23 and line 24.
Following: "~~both.~~"
Strike: "A person who violates provisions of this act or rules adopted by the department of health and environmental sciences or a local board is guilty of a misdemeanor. On conviction, he shall be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) or be imprisoned in the county jail for a term not to exceed ninety (90) days, or both."

4. Amend page 4, section 3, line 24.
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Insert: "(4)"

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4 INITIATE AN ACTION TO RECOVER ANY EXPENSES INCURRED FROM THE
5 PERSON WHO REFUSED OR NEGLECTED TO COMPLY WITH THE ORDER.
6 THE ACTION TO RECOVER EXPENSES SHALL BE BROUGHT IN THE NAME
7 OF THE CITY OR COUNTY.

8 (2) A PERSON WHO DOES NOT COMPLY WITH RULES ADOPTED BY
9 A LOCAL BOARD IS GUILTY OF A MISDEMEANOR. ON CONVICTION, HE
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12 (3) EXCEPT AS PROVIDED IN SUBSECTIONS (1) AND (2) OF
13 THIS SECTION, A PERSON WHO VIOLATES THE PROVISIONS OF THIS
14 CHAPTER, OR RULES ADOPTED BY THE DEPARTMENT UNDER THE
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16 CONVICTION, HE SHALL BE FINED NOT LESS THAN TEN DOLLARS
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18 FOR NOT MORE THAN NINETY (90) DAYS, OR BOTH. ~~(1) if a person~~
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