

HOUSE BILL NO. 580

Introduced: 01/31/83

Referred to Committee on Human Services: 01/31/83

Hearing: 2/18/83

Report: 02/18/83, Do Pass

2nd Reading: 02/21/83, Do Pass

3rd Reading: 02/23/83, Do Pass

Transmitted to Senate: 02/23/83

Referred to Committee on State Administration: 3/1/83

Hearing: 3/22/83

Report: 04/15/83, Be Not Concurred In. Report Adopted.

Bill Killed

1 House BILL NO. 580  
 2 INTRODUCED BY Narke  
 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 AND  
 7 CLARIFY THE LAWS RELATING TO SWIMMING POOLS AND BATHING  
 8 PLACES; CLARIFYING THAT THE DEPARTMENT OF HEALTH AND  
 9 ENVIRONMENTAL SCIENCES MAY SET SAFETY STANDARDS FOR PUBLIC  
 10 SWIMMING POOLS AND BATHING PLACES; AMENDING SECTIONS  
 11 50-53-101 THROUGH 50-53-103 AND 50-53-108, MCA; AND  
 12 PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
 13  
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 15 Section 1. Section 50-53-101, MCA, is amended to read:  
 16 "50-53-101. Purpose of regulation. It is the public  
 17 policy of this state to regulate public swimming pools and  
 18 public bathing places to protect public health and safety."  
 19 Section 2. Section 50-53-102, MCA, is amended to read:  
 20 "50-53-102. Definitions. As used in this chapter,  
 21 unless the context clearly indicates otherwise, the  
 22 following definitions apply:  
 23 ~~(1) "Board" means the board of health and~~  
 24 ~~environmental sciences, provided for in 2-15-2104.~~  
 25 ~~(2)(1) "Department" means the department of health and~~

1 environmental sciences, provided for in Title 2, chapter 15,  
 2 part 21.  
 3 ~~(3)(2)~~ "Person" means a person, firm, partnership,  
 4 corporation, organization, the state, or any political  
 5 subdivision of the state.  
 6 ~~(4)(3)~~ "Public bathing place" means a body of water  
 7 with bathhouses and related appurtenances operated for the  
 8 public.  
 9 ~~(5)(4)~~ "Public swimming pool" means an artificial pool  
 10 and bathhouses and related appurtenances for swimming,  
 11 bathing, or wading, including natural hot water pools. The  
 12 term does not include:  
 13 (a) swimming pools located on private property used  
 14 for swimming or bathing only by the owner, members of his  
 15 family, or their invited guests; or  
 16 (b) medicinal hot water baths for individual use."  
 17 Section 3. Section 50-53-103, MCA, is amended to read:  
 18 "50-53-103. ~~Buties---of---department Rules.~~ (1) The  
 19 department shall adopt rules for setting standards to insure  
 20 sanitation and safety in public swimming pools and public  
 21 bathing places to protect public health and safety.  
 22 ~~(2) The department shall supervise the sanitation of~~  
 23 ~~public swimming pools and public bathing places."~~  
 24 Section 4. Section 50-53-108, MCA, is amended to read:  
 25 "50-53-108. Unauthorized construction or operation a

1 public nuisance. The construction or operation of a public  
2 swimming pool or public bathing place contrary to the  
3 provisions of this chapter or rules adopted by the  
4 department under the provisions of this chapter is a public  
5 nuisance and dangerous to public health and safety."

6 NEW SECTION. Section 5. Saving clause. This act does  
7 not affect rights and duties that matured, penalties that  
8 were incurred, or proceedings that were begun before the  
9 effective date of this act.

10 NEW SECTION. Section 6. Severability. If a part of  
11 this act is invalid, all valid parts that are severable from  
12 the invalid part remain in effect. If a part of this act is  
13 invalid in one or more of its applications, the part remains  
14 in effect in all valid applications that are severable from  
15 the invalid applications.

16 NEW SECTION. Section 7. Effective date. This act is  
17 effective on passage and approval.

-End-

## 1 STATEMENT OF INTENT

## 2 HOUSE BILL 580

3 House Human Services Committee  
4

5 A statement of intent is needed for House Bill 580  
6 because it grants the Department of Health and Environmental  
7 Sciences express authority to adopt enforceable, binding  
8 rules setting safety standards for public swimming pools and  
9 bathing places.

10 The department presently has the authority to ensure  
11 that public swimming pools and bathing places are safe.  
12 However, the section of the law granting it authority to  
13 make binding rules relating to swimming facilities omits  
14 mention of safety standards. Therefore, the rules the  
15 department has adopted to indicate the safety measures it  
16 considers necessary to protect public health are not legally  
17 binding, except in regard to pools in hotels, motels, or  
18 roominghouses, for which the department has separate  
19 regulatory authority under other statutes.

20 Therefore, it is the intent of the legislature that the  
21 Department of Health and Environmental Sciences have express  
22 rulemaking authority to adopt binding safety standards for  
23 swimming pools and bathing places, including construction  
24 specifications and operational requirements such as  
25 lifeguards.

SECOND READING  
HB 580

Approved by Comm. on Human Services

HOUSE BILL NO. 580

INTRODUCED BY DARKO

BY REQUEST OF THE DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO SWIMMING POOLS AND BATHING PLACES; CLARIFYING THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MAY SET SAFETY STANDARDS FOR PUBLIC SWIMMING POOLS AND BATHING PLACES; AMENDING SECTIONS 50-53-101 THROUGH 50-53-103 AND 50-53-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 50-53-101, MCA, is amended to read:

"50-53-101. Purpose of regulation. It is the public policy of this state to regulate public swimming pools and public bathing places to protect public health and safety."

Section 2. Section 50-53-102, MCA, is amended to read:

"50-53-102. Definitions. As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Board" means the board of health and environmental sciences provided for in 2-15-2104;

(2)(1) "Department" means the department of health and

environmental sciences, provided for in Title 2, chapter 15, part 21.

(3)(1) "Person" means a person, firm, partnership, corporation, organization, the state, or any political subdivision of the state.

(4)(1) "Public bathing place" means a body of water with bathhouses and related appurtenances operated for the public.

(5)(1) "Public swimming pool" means an artificial pool and bathhouses and related appurtenances for swimming, bathing, or wading, including natural hot water pools. The term does not include:

(a) swimming pools located on private property used for swimming or bathing only by the owner, members of his family, or their invited guests; or

(b) medicinal hot water baths for individual use."

Section 3. Section 50-53-103, MCA, is amended to read:

"50-53-103. Duties of department rules. (1) The department shall adopt rules for setting standards to insure sanitation and safety in public swimming pools and public bathing places to protect public health and safety."

(2) ~~The department shall supervise the sanitation of public swimming pools and public bathing places.~~

Section 4. Section 50-53-108, MCA, is amended to read:

"50-53-108. Unauthorized construction or operation of

1 public nuisance. The construction or operation of a public  
2 swimming pool or public bathing place contrary to the  
3 provisions of this chapter or rules adopted by the  
4 department under the provisions of this chapter is a public  
5 nuisance and dangerous to public health ~~and safety.~~"

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