

SENATE BILL NO. 270

INTRODUCED BY REGAN

BY REQUEST OF THE DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL SCIENCES

IN THE SENATE

January 24, 1983	Introduced and referred to Committee on Natural Resources.
January 25, 1983	Fiscal Note requested.
January 31, 1983	Fiscal Note returned.
February 7, 1983	Committee recommend bill do pass as amended. Report adopted.
February 8, 1983	Bill printed and placed on members' desks.
February 9, 1983	Second reading, do pass.
February 10, 1983	Correctly engrossed.
February 11, 1983	Third reading, passed. Ayes, 46; Noes, 4. Transmitted to House.

IN THE HOUSE

February 12, 1983	Introduced and referred to Committee on Appropriations.
April 13, 1983	Committee recommend bill be concurrent in. Report adopted.
April 14, 1983	Second reading, concurred in.
April 16, 1983	Third reading, concurred in.

IN THE SENATE

April 18, 1983

Returned to Senate. Sent to  
enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 270  
2 INTRODUCED BY *[Signature]*  
3 BY REQUEST OF THE DEPARTMENT OF  
4 HEALTH AND ENVIRONMENTAL SCIENCES  
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE  
7 AUTHORITY OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL  
8 SCIENCES TO SET FEES FOR SERVICES PERFORMED BY ITS  
9 LABORATORY; PROVIDING FOR DEPOSIT OF THE FEES IN AN  
10 EARMARKED REVENUE FUND; AMENDING SECTION 50-1-202, MCA; AND  
11 PROVIDING AN EFFECTIVE DATE."  
12

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

14 Section 1. Section 50-1-202, MCA, is amended to read:  
15 "50-1-202. General powers and duties. The department  
16 shall:

17 (1) study conditions affecting the citizens of the  
18 state by making use of birth, death, and sickness records;

19 (2) make investigations, disseminate information, and  
20 make recommendations for control of diseases and improvement  
21 of public health to persons, groups, or the public;

22 (3) at the request of the governor, administer any  
23 federal health program for which responsibilities are  
24 delegated to states;

25 (4) inspect and work in conjunction with custodial

1 institutions and Montana university system units  
2 periodically as necessary and at other times on request of  
3 the governor;

4 (5) after each inspection made under subsection (4) of  
5 this section, submit a written report on sanitary conditions  
6 to the governor and to the director of institutions or  
7 commissioner of higher education and include recommendations  
8 for improvement in conditions if necessary;

9 (6) advise state agencies on location, drainage, water  
10 supply, disposal of excreta, heating, plumbing, sewer  
11 systems, and ventilation of public buildings;

12 (7) organize laboratory services and provide equipment  
13 and personnel for those services;

14 (8) develop and administer activities for the  
15 protection and improvement of dental health and supervise  
16 dentists employed by the state, local boards of health, or  
17 schools;

18 (9) develop and administer a program to protect the  
19 health of mothers and children;

20 (10) conduct health education programs;

21 (11) provide consultation to school and local community  
22 health nurses in the performance of their duties;

23 (12) consult with the superintendent of public  
24 instruction on health measures for schools;

25 (13) develop and administer a program for services to

INTRODUCED BILL

1 handicapped children including diagnosis, medical, surgical,  
2 and corrective treatment, and after-care and related  
3 services;

4 (14) provide consultation to local boards of health;

5 (15) bring actions in court for the enforcement of the  
6 health laws and defend actions brought against the board or  
7 department;

8 (16) accept and expend federal funds available for  
9 public health services;

10 (17) have the power to use personnel of local  
11 departments of health to assist in the administration of  
12 laws relating to public health;

13 (18) adopt rules imposing fees for the tests and  
14 services performed by the laboratory of the department,  
15 ~~except fees relating to water analysis, which are imposed by~~  
16 ~~the board pursuant to 75-6-103(2)(b). In adopting a rule~~  
17 ~~imposing fees, the~~ the department may not establish only a  
18 ~~fee that will reimburse the department for fees exceeding~~  
19 the costs incurred in performing tests and services. All  
20 fees shall be deposited in the general ~~earmarked revenue~~  
21 ~~fund for the use of the department in performing tests and~~  
22 ~~services.~~

23 (19) adopt and enforce rules regarding the definition  
24 of communicable diseases and the reporting and control of  
25 communicable diseases; and

1 (20) adopt and enforce rules regarding the  
2 transportation of dead human bodies."  
3 NEW SECTION. Section 2. Effective date. This act is  
4 effective July 1, 1983.

-End-

STATE OF MONTANA

REQUEST NO. 232-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 25, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 270 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 270 clarifies the authority of the Department of Health and Environmental Sciences to set fees for services performed by its laboratory.

ASSUMPTION:

- 1) This bill is to bring law into line with legislative appropriation.

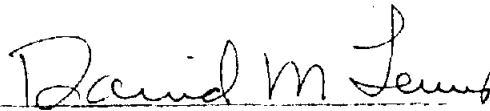
FISCAL IMPACT:

The Governor's Budget assumes fees of \$99,854 per year will be collected annually to operate the laboratory. If this bill does not pass, then general fund monies would have to be appropriated to operate the laboratory.

TECHNICAL DEFECT:

Line 20, page three states, "Fees shall be deposited in the earmarked revenue fund." There are no longer earmarked revenue funds. These are now special revenue funds.

FISCAL NOTE 6:FF/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-31-83

Approved by Committee  
on Natural Resources

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9   LABORATORY; PROVIDING FOR DEPOSIT OF THE FEES IN AN  
10   EARMARKED REVENUE FUND; AMENDING SECTION 50-1-202, MCA; AND  
11   PROVIDING AN EFFECTIVE DATE."  
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13   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
14       Section 1. Section 50-1-202, MCA, is amended to read:  
15       "50-1-202. General powers and duties. The department  
16   shall:  
17       (1) study conditions affecting the citizens of the  
18   state by making use of birth, death, and sickness records;  
19       (2) make investigations, disseminate information, and  
20   make recommendations for control of diseases and improvement  
21   of public health to persons, groups, or the public;  
22       (3) at the request of the governor, administer any  
23   federal health program for which responsibilities are  
24   delegated to states;  
25       (4) inspect and work in conjunction with custodial

1   institutions and Montana university system units  
2   periodically as necessary and at other times on request of  
3   the governor;  
4       (5) after each inspection made under subsection (4) of  
5   this section, submit a written report on sanitary conditions  
6   to the governor and to the director of institutions or  
7   commissioner of higher education and include recommendations  
8   for improvement in conditions if necessary;  
9       (6) advise state agencies on location, drainage, water  
10   supply, disposal of excreta, heating, plumbing, sewer  
11   systems, and ventilation of public buildings;  
12       (7) organize laboratory services and provide equipment  
13   and personnel for those services;  
14       (8) develop and administer activities for the  
15   protection and improvement of dental health and supervise  
16   dentists employed by the state, local boards of health, or  
17   schools;  
18       (9) develop and administer a program to protect the  
19   health of mothers and children;  
20       (10) conduct health education programs;  
21       (11) provide consultation to school and local community  
22   health nurses in the performance of their duties;  
23       (12) consult with the superintendent of public  
24   instruction on health measures for schools;  
25       (13) develop and administer a program for services to

1 handicapped children including diagnosis, medical, surgical,  
2 and corrective treatment, and after-care and related  
3 services;

4 (14) provide consultation to local boards of health;

5 (15) bring actions in court for the enforcement of the  
6 health laws and defend actions brought against the board or  
7 department;

8 (16) accept and expend federal funds available for  
9 public health services;

10 (17) have the power to use personnel of local  
11 departments of health to assist in the administration of  
12 laws relating to public health;

13 (18) adopt rules imposing fees for the tests and  
14 services performed by the laboratory of the department,  
15 ~~except fees relating to water analysis, which are imposed by~~  
16 ~~the board pursuant to 75-6-103(2)(b). FEES ESTABLISHED ON~~  
17 ~~AN ANNUAL BASIS, SHOULD REFLECT THE ACTUAL COSTS OF THE~~  
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22 ~~be deposited in the general unmarked SPECIAL revenue fund~~  
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24 ~~services.~~

25 (19) adopt and enforce rules regarding the definition

1 of communicable diseases and the reporting and control of  
2 communicable diseases; and

3 (20) adopt and enforce rules regarding the  
4 transportation of dead human bodies."

5 ~~NEW SECTION.~~ Section 2. Effective date. This act is  
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