## SENATE BILL NO. 410

## INTRODUCED BY HALLIGAN

## IN THE SENATE

February 14, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
February 18, 1983	Committee recommend bill do pass as amended. Report adopted.
	Statement of Intent attached.
February 19, 1983	Bill printed and placed on members' desks.
February 21, 1983	Second reading, do pass.
February 22, 1983	Correctly engrossed.
February 23, 1983	Third reading, passed. Ayes, 38; Noes, 11. Transmitted to House.
IN THE H	OUSE
February 28, 1983	Introduced and referred to Committee on Human Services.
March 15, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1983	Second reading, pass consideration.
March 22, 1983	On motion, consideration passed for the day.
March 23, 1983	On motion, consideration passed for the day.

March 24, 1983 On second reading, consideration passed for the day. On motion, consideration passed until the 69th Legislative Day. March 26, 1983 Second reading, bill and Statement of Intent concurred in as amended. March 28, 1983 Third reading, concurred in. IN THE SENATE March 28, 1983 Returned to Senate with amendments and Statement of Intent amendments. Second reading, amendments April 6, 1983 and Statement of Intent amendments concurred in.

April 7, 1983

Third reading, amendments and Statement of Intent amendments concurred in. Ayes, 47; Noes, 3.

Sent to enrolling.

Reported correctly enrolled.

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1	Henst	BILL NO. 4/0
2	INTRODUCED BY Holly	
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4	A BILL FOR AN ACT ENTITLED:	MAN ACT TO GENERALLY REVISE AND

CLARIFY THE LAWS RELATING TO LICENSURE OF CESSPOOL, SEPTIC 5 -TANK. AND PRIVY CLEANING BUSINESSES: ALLOHING THE DEPARTMENT 7 HEALTH AND ENVIRONMENTAL SCIENCES TO ESTABLISH REQUIREMENTS BY RULE FOR DISPOSAL SITES AND INCREASING THE 9 LICENSE FEE: PROVIDING FOR A HEARING AFTER THE DENIAL. SUSPENSION. OR REVOCATION OF A LICENSE; PROVIDING FOR 10 EXCEPTIONS TO THE LICENSING REQUIREMENT; PROVIDING FOR CIVIL 11 CRIMINAL PENALTIES; AMENDING SECTIONS 37-41-101, 12 37-41-103, 37-41-201, 37-41-202, 37-41-211, AND 37-41-212, 13 MCA: AND REPEALING SECTIONS 37-41-102, 37-41-203, AND 14 15 37-41-204+ MCA.M

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

NEW\_SECTIONs Section 1. 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.
- 23 (2) \*Department\* means the department of health and 24 environmental sciences provided for in Title 2, chapter 15, 25 part 21.

ł	(3)	"Disposal	means	the	disc	harge,	in,	jection,
2	deposit,	dumping,	spilling,	leaking	• or	placing	of	septage
3	into or o	nto the la	nd or water	<b>-</b> -				

- 4 (4) "Person" means an individual, firm, partnership,
  5 association, corporation, city, town, local government
  6 entity, or other government or private entity, whether
  7 organized for profit or not.
- 8 (5) "Septage" means waste material from cesspools,9 septic tanks, or privies.

Section 2. Section 37-41-101, MCA, is amended to read:

"37-41-101. License required. No person\*--partnership\*

firm\*--or--corporation--shall max engage in the business of

cleaning cesspools, septic tanks, or privies and disposal of

waste septage therefrom unless licensed by the department of

health--and--environmental--seiences--and--the--license---is

validated--by-the-health-officer-or-local-sanitarian-in-each

county-where-business-is-to-be-conducted."

Section 3. Section 37-41-103. MCA, is amended to read:

#37-41-103. Rulemaking power of department. The
department shall adopt necessary rules for corrying-out the
implementation of the provisions of this chapter. including
but not limited to rules pertaining to:

23 (11 licensure and operation of septic tanks cesspools
24 and privy cleaning businesses:

(2) requirements for equipment utilized in the conduct

1	of septic tank. cesspool. and privy cleaning businesses:
2	131 procedures for the inspection and evaluation of
3	equipment_utilized_in_the_conduct_of_septic_tank*_cesspool*
4	and privy cleaning businesses: and
5	(4) requirements for temporary and permanent sites for
6	disposal_of_septage."
7	Section 4. Section 37-41-201, MCA, is amended to read:
8	#37-41-201. Application for license form and
9	contents. Application for a license is made to the
10	department on application forms procuredfromthetocat
11	healthafftcerorsonitarian-in-the-county-of-applicant4s
12	residence provided by the department. The application shall
13	show contain:
14	(1) the <u>full</u> name in-full andif-a-partnershipy-the
15	name-of-each-partner business address of each applicant;
16	(2) place-of-business-and a list of the counties in
17	which business is to be conducted;
18	<pre>{3}~~place-of-residence-of-the-applicant-or-applicants;</pre>
19	(4)(3) the number of units and type of equipment to be
20	used;
21	(5)astatementthotthe-applicant-will-comply-with
22	rules-adopted-by-the-department-under-this-chapter:
23	topthesignatureoftheindividualyauthorized
24	officerofthe-firm-or-corporation,-or-managing-partner-of
25	the-partnership-applyings

1	(4) a description of each site proposed for disposal
2	of_septage and the written consent of the owner or operator
3	of each such site to the disposal of septage for the
4	duration_of_the_license_period:
5	(5)_certification_by_a_local_health_officer_or_bis
6	designated_representative_of_the_county_in_which_the
7	applicant's business is located that the equipment to be
8	used by the applicant meets all applicable state and local
9	<u>qoyernment_requirements:_and</u>
0	(6) certification by a local health officer or his
1	designated representative in each county in which the
2	applicant's business is to be conducted that proposed
3	disposal sites to be used by the applicant meet all
4	applicable_state_and_local_requirements.
5	Section 5. Section 37-41-202, MCA, is amended to read:
6	#37-41-202. Licenses nontransferability fees.
7	(1) Eicensesissuedbythedepartmentshallbetitled
В	*MontanaSanitaryEicensee#andnumberedconsecutively
9	beginning-with-the-number-10v Licenses expire on December 31
0	of each calendar year. Licenses are not transferable. If a
1	licensee ceases to do business, the license shall be
2	surrendered to the department.
3	(2) The fee for each license is \$25 \$50, payable at
4	the time of application for license. <del>Twenty-dollars-of-the</del>
5	fee-shall-be-deposited-withthecountytreasurerinthe

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ecuntyoflicenseeresidenceand45forwardad-with-the
opplication-to-the-deportment. A federal agency: city: town:
or other political subdivision is not required to pay the
license fee but such agency including a federal agency if
allowed by federal laws shall comply with all other
requirements of this chapter. The department shall annually
return 80% of the fees collected from a county to that
county. The state portion of the fee shall be deposited in
the state general fund. The county portion of the fee shall
be used to defer cost of a-santtartan the county to enforce
this chapter. The-department-shallreturnthelicenseto
county-of-licensee-residence-for-issuev*

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Section 6. Section 37-41-211, MCA, is amended to read: \*37-41-211. Denial, suspension, or revocation of license. The department of-health-and-environmental-sciences may deny, suspend, or revoke a license for noncompliance with this chapter or rules adopted by the department. Upon denial . suspension. or revocation. the applicant or licenses may request a hearing within 30 days after receipt of a written notice of the department's action. The hearing must be held before the board and in accordance with the Montana Administrative Procedure Act.

23 Section 7. Section 37-41-212, MCA, is amended to read: 24 #37-41-212. Enforcement responsibility -- penalty --25 deposit of fines. (1) State and local health officers or

1	senttarionsareresponsibleforthe-enforcement-of shall
2	enforce this chapter. Any-person-who-failstocomplywith
3	provisionsof-this-chapter-or-orders-of-a-health-officer-or
4	sanitarian-made-under-this-chapterfortheprotectionof
5	humanhealth-is-guilty-of-a-misdameanors-Upon-conviction-he
6	shall-be-fined-not-more-than\$1887-imprisoned-for-notmore
7	than38daysyorbothy-for-each-offensew-Fines-collected
8	shall-be-deposited-in-the-generalfundafthecountyin
9	which-the-action-is-brought-

- 121 A person who violates this chapter or a rule of the department is quilty of a misdemeanor and upon conviction shall be fined not more than \$500. imprisoned for a term not to exceed 30 days, or both, Each day of violation constitutes a separate offense.
- 15 131 A person who violates this chapter or a rule of the department is subject to a civil penalty of not more than \$50. Each day of violation constitutes a separate offense.
- 19 141 All fines collected under this section shall be 20 deposited in the general fund of the county in which the 21 action is brought."
- 22 NEW SECTION: Section 8. Exclusions. This chapter does not prohibit the owner or lessee of the property from which 24 the septage was removed from disposing or contracting for the disposal of his own septage upon land owned or leased by

- him if it does not create a nuisance or public health
  hazard.
- NEW\_SECTION: Section 9. Saving clause. This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the

effective date of this act.

the invalid applications.

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- NEW SECTION. Section 10. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from
- 13 NEW SECTION: Section 11. Codification instruction.
  14 Sections 1 and 8 are intended to be codified as an integral
  15 part of Title 37: chapter 41: and the provisions of Title
  16 37: chapter 41: apply to sections 1 and 8.
- 17 NEM\_SECTION: Section 12. Repealer. Sections
  18 37-41-102, 37-41-203, and 37-41-204, MCA, are repealed.

-End-

1	STATEMENT OF IN	[ENT
2	SENATE BILL 4:	LO

A statement of intent is necessary for Senate Bill 410 because in Section 3 it delineates the rulemaking authority of the department for licensure under this bill. It is the intent of the Legislature that the department in making rules under this authority; provide procedural mechanism for licensure and operation of septic tank, cesspool, and privy cleaning businesses; establish minimum equipment requirements for licenses; timely procedures for inspection and evaluation; minimum requirements that protect the public health, safety and welfare for disposal of septage.

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Approved by Committee on Public Health, Welfare & Safety

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5	INTRODUCED BY HALLIGAN
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5	CLARIFY THE LAWS RELATING TO LICENSURE OF CESSPOOL. SEPTIC
6	TANK. AND PRIVY CLEANING BUSINESSES; ALLOWING THE DEPARTMENT
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8	REQUIREMENTS BY RULE FOR DISPOSAL SITES AND INCREASING THE
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13	37-41-103, 37-41-201, 37-41-202, 37-41-211, AND 37-41-212,
14	MCA; AND REPEALING SECTIONS 37-41-102, 37-41-203, AND
15	37-41-204, MCA."
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19	chapter, unless the context clearly indicates otherwise, the
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SENATE BILL NO. 410

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1	eountyoflicenseeresidenceand\$5forwarded-with-th
2	opplication-to-the-department= A_federal_ageacy=_city=_town
3	or_other_political_subdivision_is_not_required_to_pay_th
4	license_fee.but_such_agency.including_a_federal_agency_i
5	allowed by federal laws shall comply with all other
6	requirements of this chapter. The department shall annually
7	return 80% of the fees_collected_from_a_county_to_tha
8	county. The state portion of the fee shall be deposited in
9	the state general fund. The county portion of the fee shall
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5	shall-be-fined-not-more-than\$188;-imprisoned-for-motmore
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SB 410

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- NEW\_SECTIONs Section 11. Codification instruction.

  14 Sections 1 and 8 are intended to be codified as an integral

  15 part of Title 37, chapter 41, and the provisions of Title
- 16 37, chapter 41, apply to sections 1 and 8.

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17 NEW\_SECTION. Section 12. Repealer. Sections
18 37-41-102. 37-41-203. and 37-41-204. MCA, are repealed.

-End-

•	STATEMENT OF INTENT
	SENATE BILL 410

A statement of intent is necessary for Senate Bill 410 because in Section 3 it delineates the rulemaking authority of the department for licensure under this bill. It is the intent of the Legislature that the department in making rules under this authority; provide procedural mechanism for licensure and operation of septic tank, cesspool, and privy cleaning businesses; establish minimum equipment requirements for licenses; timely procedures for inspection and evaluation; minimum requirements that protect the public health, safety and welfare for disposal of septage.

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22	environmental sciences provided for in 2-15-2104.
23	(2) *Department* means the department of health and
24	environmental sciences provided for in Title 2, chapter 15,
25	part 21.

1	(3) "Disposal" means the discharge, injection:
2	deposit, dumping, spilling, leaking, or placing of septage
3	into or onto the land or water.
4	(4) "Person" means an individual, firm, partnership,
5	association, corporation, city, town, local government
5	entity, or other government or private entity, whether
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3	f6}thesignatureoftheindividualyauthorized
4	officerofthe-firm-or-corporations-or-managing-partner-of
5	thempartnershipmopplyings

1	(2) a description of each site proposed for disposal
2	of septage and the written consent of the owner or operator
3	of each such site to the disposal of septage for the
4	duration_of_the_license_perlod:
5	(5) certification by a local bealth officer or bis
6	designated representative of the county in which the
7	applicant's business is located that the equipment to be
8	used by the applicant meets all applicable state and local
9	government_requirements: and
10	<pre>161_certification_by_a_local_bealth_officer_or_bis</pre>
11	designated representative in each county in which the
12	applicant's business is to be conducted that proposed
13	disposal_sites_to_be_used_by_the_applicant_meet_all
14	applicable_state_and_local_requirements."
15	Section 5. Section 37-41-202, MCA, is amended to read:
16	#37-41-202. Licenses nontransferability fees.
1,7	(1) bicensesissuedbythedepartmentshallbetitled
18	#HontoneSanitaryLicensec#andnumberedconsecutively
19	beginning-with-the-number-10- Licenses expire on December 31
20	of each calendar year. Licenses are not transferable. If a
21	licensee_ceases_to_do_businessthe_license_shall_be
22	sucreodered_to_the_department.
23	(2) The fee for each license is \$25 150 payable at
24	the time of application for license. Fwenty-dollars-of-the
25	fee-shall-be-deposited-withthecountytreasurerinthe

SB 410

countyoflicenseeresidenceand\$5forwarded-with-the
emplication-to-the-department. A_federal_agencycitytown.
or_other_political_subdivision_is_not_required_to_pay_the
license_fee.but_such_agency.including_a_federal_agency_if
allowed_by_federal_laws_shall_comply_with_all_other
requirements_of_tbis_chapterIhe_department_shall_anoually
return_80%_of_the_feescollected_from_a_county_to_that
county. The state portion of the fee shall be deposited in
the state general fund. The county portion of the fee shall
be used to defer cost of a-senitarion the county to enforce
this chapter. The-department-shallreturnthelicenseto
county-of-licensee-residence-for-issuev*

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Section 6. Section 37-41-211, MCA, is amended to read: \*37-41-211. Denial, suspension, or revocation of license. The department of-health-and-environmental-sciences may deny, suspend, or revoke a license for noncompliance with this chapter or rules adopted by the department. Upon denial . suspension . or revocation . the applicant or licensee may\_request\_a\_hearing\_within\_3Q\_\_days\_\_after\_\_receipt\_\_of\_\_a written notice of the department's action. The hearing must be held before the board and in accordance with the \_Montana Administrative\_Procedure\_Act."

23 Section 7. Section 37-41-212, MCA, is amended to read: 24 #37-41-212. Enforcement responsibility -- penalty -deposit of fines. [11] State and local health officers or 25

1	sonitorionsereresponsibleforthe-enforcement-of <u>shall</u>
2	enforce this chapter. Any-person-who-failstocomplywith
3	provisionsof-this-chapter-or-orders-of-s-health-officer-or
4	sanitarian-made-under-this-chapterfortheprotectionof
5	humanhealth-is-guilty-of-e-misdemesnorUpon-conviction-he
6	shall-be-fined-not-more-thon\$100;-imprisoned-for-motmore
7	than-38dayayorbothy-for-each-offensew-Fines-collected
8	shall-be-deposited-in-the-generalfundoftheeountyin
9	which-the-action-is-broughts

- 121\_A\_person\_who\_violates\_this\_chapter\_or\_a\_rule\_of the department is quilty of a misdemeanor and unon conviction\_shall\_be\_fined\_not\_more\_than\_\$500x=imprisemed=for orters.not-torsecsed-30-days-or-boths-Each-day-of-yidlotion constitutes\_s\_sessiote\_offense.
- 15 (3) A person who violates this chapter or a rule of the decartment is subject to a civil genalty of not more than 150. Each day of violation constitutes a senarate offense.
- 19 141 All fines collected under this section shall be 20 deposited in the general fund of the county in which the 21 action is brought."
  - MEW\_SECTION. Section 8. Exclusions. This chapter does not prohibit the owner or lessee of the property from which the septage was removed from disposing or contracting for the disposal of his own septage upon land owned or leased by

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- 1 him if it does not create a nuisance or public health
  2 hazard.
- 3 NEW SECTION. Section 9. Saving clause. This act does
  4 not affect rights and duties that matured, penalties that
  5 were incurred, or proceedings that were begun before the
  6 effective date of this act.
- NEW\_SECTION: Section 10. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.
- NEW SECTION. Section 11. Codification instruction.

  Sections 1 and 8 are intended to be codified as an integral

  part of Title 37, chapter 41, and the provisions of Title

  37, chapter 41, apply to sections 1 and 8.
- 17 <u>NEW\_SECTION</u>. Section 12. Repealer. Sections 18 37-41-102, 37-41-203, and 37-41-204, MCA, are repealed.

-End-

## HOUSE HUMAN SERVICES COMMITTEE

AMENDMENT TO STATEMENT OF INTENT SENATE BILL 410 March 14, 1983

Third Reading Copy (blue)

BE AMENDED AS FOLLOWS:

Statement of Intent, Page 1, line 13.
Following: "septage."
Insert: "It is further the intent of the Legislature that rules implementing the provisions of this act be adopted by December 31, 1983."

AND AS AMENDED BE CONCURRED IN

AMENDMENTS TO SB 410, Third reading, blue copy

- 1. Title, lines 8 and 9. Strike: "AND INCREASING THE LICENSING FEE"
- 2. Title, lines 11 and 12.
  Strike: "CIVIL AND"
- 3. Page 2, line 23.
  Strike: "and"
  Insert: "but not"
- 4. Page 2, line 24. Following: ";"
  Insert: "and"
- 5. Page 2, line 25 through line 4 on page 3. Strike: subsections (2) and (3) in their entirety Renumber: subsequent subsections accordingly
- 6. Page 3, line 17.
  Following: ";"
  Insert: "and"
- 7. Page 3, lines 19 and 20. Strike: subsection (3) in its entirety
- 8. Page 4, lines 1 through 9. Strike: subsections (4) and (5) in their entirety Renumber: subsequent subsections accordingly
- 9. Page 4, line 23. Strike: "\$50" Insert: "\$25"
- 10. Page 6, lines 15 through 18. Strike: subsection (3) in its entirety Renumber: subsequent subsections accordingly

HOUSE COMMITTEE OF THE WHOLE, March 26, 1983,

AMENDMENTS TO STATEMENT OF INTENT FOR SB 410, Third reading, blue, as follows:

- 1. Page 1, lines 10 and 11.
  Strike: "establish minimum equipment requirements for licenses;"
- 2. Page 1, line 12.
  Following: "evaluation"
  Insert: "of disposal sites"
- 3. Page 1, line 13.
  Following: "septage"
  Insert: "in accordance with the provisions of the bill"

1	STATEMENT OF INTENT
2	SENATE BILL 410

 A statement of intent is necessary for Senate Bill 410 because in Section 3 it delineates the rulemaking authority of the department for licensure under this bill. It is the intent of the Legislature that the department in making rules under this authority; provide procedural mechanism for licensure and operation of septic tank, cesspool, and privy cleaning businesses; establish——minimum——equipment requirements—for—licensus; timely procedures for inspection and evaluation OF DISPOSAL SITES; minimum requirements that protect the public health, safety and welfare for disposal of septage IN ACCORDANCE MITH THE PROVISIONS OF THE BILL. IT IS—EURIHER THE INTENT OF THE LEGISLATURE THAT RULES IMPLEMENTING THE PROVISIONS OF THIS ACT BE ADOPTED BY DECEMBER 31x 1983a

48th Legislature SB 0410/03

SENATE BILL NO. 410

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part 21.

INTRODUCED BY HALLIGAN 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO LICENSURE OF CESSPOOL. SEPTIC TANK, AND PRIVY CLEANING BUSINESSES; ALLOWING THE DEPARTMENT HEALTH AND ENVIRONMENTAL SCIENCES TO ESTABLISH REQUIREMENTS BY RULE FOR DISPOSAL SITES AND--INGREASING--ING EIGENSE--FEE: PROVIDING FOR A HEARING AFTER THE DENIAL+ SUSPENSION. OR REVOCATION OF A LICENSE; PROVIDING FOR 10 EXCEPTIONS TO THE LICENSING REQUIREMENT; PROVIDING FOR GEVEL 11 AND CRIMINAL PENALTIES; AMENDING SECTIONS 37-41-101, 12 13 37-41-103, 37-41-201, 37-41-202, 37-41-211, AND 37-41-212+ MCA; AND REPEALING SECTIONS 37-41-102, 37-41-203, AND 14 15 37-41-204, HCA.\* 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 17 18 YEW SECTION. Section 1. Definitions. As used in this 19 chapter, unless the context clearly indicates otherwise, the 50 following definitions apply: (1) "Board" 21 means the board of health and 22 environmental sciences provided for in 2-15-2104.

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

environmental sciences provided for in Title 2, chapter 15,

1 (3) "Disposal" means the discharge, injection,
2 deposit, dumping, spilling, leaking, or placing of septage
3 into or onto the land or water.

- (4) "Person" means an individual, firm, partnership, association, corporation, city, town, local government entity, or other government or private entity, whether organized for profit or not.
- (5) "Septage" means waste material from cesspools; septic tanks, or privies.
- 10 Section 2. Section 37-41-101, MCA, is amended to read: 11 #37-41-101. License required. No person---parenerships 12 firmy--or--corporation--shall may engage in the business of 13 cleaning cesspools, septic tanks, or privies and disposal of 14 waste <u>septage</u> therefrom unless licensed by the department of 15 health--and--environmental--sciences--and--the--license---is 16 validated--by-the-health-officer-or-local-sanitarian-in-each 17 county-where-business-is-to-be-conducted."
- 23 (II)\_licensure and BUT\_NOT operation\_of\_sectic\_tanks
  24 cesspools\_and\_prixy\_cleaning\_businesses: AND
- 25 <u>t2:=requirementa=for=equirementa=tilized=i0=the\_condust</u>

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2	fâlssprosedureasforstbesinapeelionsspodssevaluotionssof
3	equipment=:utilized=in=the=eooduct=of=aoptic=tookx=cosapoolx
4	nod-prixx-cleaning-businesessi-and
5	f41121 requirements for temporary and permanent sites
6	for_disposal_of_septage."
7	Section 4. Section 37-41-201, MCA, is amended to read:
а	*37-41-201. Application for license form and
9	contents. Application for a license is made to the
10	department on application forms procuredfrom-the-local
11	health-officer-or-senitorien-in-thecountyofapplicant*s
12	residence provided by the department. The application shall
13	show contain:
14	(1) the <u>full</u> name in-full andif-apartmershipthe
15	name-of-each-portner business_address_of_each_applicant;
16	(2) praceofbusinessand a list of the counties in
17	which business is to be conducted; AND
18	(3)płace-of-residence-of-the-applicant-or-applicants
19	(+):12110g number-of-units-ond-type-of-equipment-to-be
20	paed\$
21	(5)a-statement-that-the-applicantwillcomplywith
22	rules-adopted-by-the-department-under-this-chapter;
23	(5)thesignatureoftheindividualyauthorized
24.	officer-of-the-firm-or-corporationy-or-managingpartnerof
25:	the-partnership-applying.

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2	of-septage-and-the-written-consent-of-the-emacr-or-coperator
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4	duration=of=the=license=periodi
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10	tot(3) certification by a local nealth officer or his
11	designated_representative_in_each_county_in_whicn_the
12	applicant's business is to be conducted that proposed
13	disposal sites to be used by the applicant west all
14	applicable_state_and_local_requirements."
15	Section 5. Section 37-41-202, MCA, is amended to read:
16	#37-41-202. Licenses nontransferability fees.
17	(1) ticensesissuedbythedepartmentshallbe-titled
18	#HontongSonitaryLicensee=andnumberedconsecutively
19	beginning-with-the-number-10: Licenses expire on December 31
20	of each calendar year. Licenses are not transferable. <u>If a</u>
21	licensee ceases to do business, the license shall be
22	succendered_to_the_department.
23	(2) The fee for each license is \$25 \$58 \$25. payable
24	at the time of application for license. Twentydellersdf
. 25	thefee-shaff-be-deposited-with-the-county-treasurer-in-the

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1	county-of-licenseeresidenceand\$5forwardedwiththe
2	application-to-the-departments A <u>federal agency: city: town:</u>
3	or other political subdivision is not required to pay the
4	license fee. but such agency. including a federal agency if
5	allowed by federal laws shall comply with all other
6	requirements of this chapter. The department shall annually
7	return 80% of the fees collected from a county to that
8	county. The state portion of the fee shall be deposited in
9	the state general fund. The county portion of the fee shall
10	be used to defer cost of e-sanitarian the county to enforce
11	this chapter. Thedepartmentshall-return-the-license-to
12	enanty-of-licensee-residence-for-issue.

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Section 6. Section 37-41-211, MCA, is amended to read: #37-41-211. Denial. suspension, or revocation of license. The department of-health-and-environmental-sciences may deny, suspend, or revoke a license for noncompliance with this chapter or rules adopted by the department. Upon denial. suspension. or revocation. the applicant or licensee may request a hearing within 30 days after receipt of a written notice of the department's action. The hearing must be held before the board and in accordance with the Montana Administrative Procedure Act."

23 Section 7. Section 37-41-212, MCA, is amended to read: \*37-41-212. Enforcement responsibility -- penalty --24 deposit of fines. (11) State and local health officers or

1	sanitarians-are-responsible-for-theenforcementof <u>shall</u>
2	enforce this chapter. Any-person-who-foils-to-comply-with
3	provisions-of-this-chapter-or-orders-of-a-health-officer-or
4	saniterianmadeunderthischapter-for-the-protection-of
5	human-health-is-guilty-of-a-misdemeanory-Upan-convictionhe
6	shallbe-fined-not-more-than\$100y-imprisoned-for-not-more
7	than-38-daysv-or-bothy-foreachoffensevfinescollected
8	shallbedepositedinthegeneral-fund-of-the-eounty-in
	which-the-action-is-brought-

(2) A person who violates this chapter or a rule of the department is guilty of a misdemeanor and upon conviction shall be fined not more than \$500x-imprisoned-for arterm-not-to-exceed-20-daysx-gr-bathx-fach-day-of-yiolation constitutes:a-seporate-offense.

t31==a=pecion=who=yiqlotea=thia=chapter=pe==a==rule==of theridengriment::is::subject::to:s:civil-pengity-of-not-more then:#20x=Each:=dax==of:=xiolation==constitutes==a:=seearate offensez

19 tit(3) All fines collected under this section shall be 20 deposited in the general fund of the county in which the 21 action is brought."

<u>MEM\_SECTION</u>. Section 8. Exclusions. This chapter does 23 not prohibit the owner or lessee of the property from which 24 the septage was removed from disposing or contracting for the disposal of his own septage upon land owned or leased by

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- him if it does not create a nuisance or public health
  hazard.
- 3 YEM\_SECTION. Section 9. Saving clause. This act does
  4 not affect rights and duties that matured, penalties that
  5 were incurred, or proceedings that were begun before the
  6 effective date of this act.

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- VEW\_SECTION. Section 10. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.
- 13 <u>NEW\_SECTIONs</u> Section 11. Codification instruction.

  14 Sections 1 and 8 are intended to be codified as an integral

  15 part of Title 37, chapter 41, and the provisions of Title

  16 37, chapter 41, apply to sections 1 and 8.
- 17 . YEM\_SECTION: Section 12. Repealer. Sections
  18 37-41-102, 37-41-203, and 37-41-204, MCA, are repealed.

-End-