

HOUSE BILL NO. 114

INTRODUCED BY MILES

BY REQUEST OF THE DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

| | |
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| January 7, 1985 | Introduced and referred to Committee on Human Services and Aging. |
| January 22, 1985 | Committee recommend bill do pass. Report adopted. Statement of Intent attached. |
| January 23, 1985 | Bill printed and placed on members' desks. |
| January 25, 1985 | Second reading, do pass. Considered correctly engrossed. |
| January 26, 1985 | Third reading, passed. Transmitted to Senate. |

IN THE SENATE

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| January 28, 1985 | Introduced and referred to Committee on Public Health, Welfare and Safety. |
| March 14, 1985 | Committee recommend bill be concurrent in as amended. Report adopted. |
| March 18, 1985 | Second reading, Statement of Intent amended. Second reading, concurred in. |

March 20, 1985

Third reading, concurred in.
Ayes, 45; Noes, 5.

Returned to House with amendments
and amended Statement of Intent.

IN THE HOUSE

March 21, 1985

Received from Senate.

April 2, 1985

Second reading, amendments
concurred in.

Second reading, amended Statement
of Intent concurred in.

April 3, 1985

Third reading, amendments
concurred in.

Third reading, amended Statement
of Intent concurred in.

Sent to enrolling.

April 9, 1985

Correctly enrolled.

April 12, 1985

Signed by President.

Signed by Speaker.

Delivered to Governor.

April 16, 1985

Returned from Governor with
recommended amendments.

April 18, 1985

Second reading, Governor's
amendments concurred in.

April 19, 1985

Third reading, Governor's
amendments concurred in.

Governor's amendments transmitted
to Senate.

IN THE SENATE

April 19, 1985

Received from House.

April 22, 1985

Second reading, Governor's amendments concurred in.

April 23, 1985

Third reading, Governor's amendments concurred in.

Returned to House.

IN THE HOUSE

April 23, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

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 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-2-15-2104r~~

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:

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 14 for swimming or bathing only by the owner, members of his
 15 family, or their invited guests; or

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 19 safety rules. {+} The department shall adopt rules for
 20 setting standards to ensure sanitation and safety in public
 21 swimming pools and public bathing places to protect public
 22 health and safety.

23 ~~{2}--The--department--shall--supervise--the--sanitation--of~~
 24 ~~public-swimming-pools-and-public-bathing-places."~~

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



-2-
 INTRODUCED BILL
 HB 114

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6 nuisance and dangerous to public health and safety."

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17 NEW SECTION. Section 7. Extension of authority. Any
18 existing authority of the department of health and
19 environmental sciences to make rules on the subject of the
20 provisions of this act is extended to the provisions of this
21 act.

22 NEW SECTION. Section 8. Effective date. This act is
23 effective on passage and approval.

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APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

STATEMENT OF INTENT

1 lifeguards.

HOUSE BILL 114

House Human Services and Aging Committee

A statement of intent is needed for House Bill 114 because it grants the department of health and environmental sciences express authority to adopt enforceable, binding rules setting safety standards for public swimming pools and bathing places.

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

Therefore, it is the intent of the legislature that the department of health and environmental sciences has express rulemaking authority to adopt binding safety standards for swimming pools and bathing places, including construction specifications and operational requirements such as



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HOUSE BILL 114

House Human Services and Aging Committee

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-2-
THIRD READING
HB 114

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-End-

SENATE STANDING COMMITTEE REPORT

MARCH 13, 1985

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 114,

THIRD reading copy (BLUE color)

DEPARTMENT OF HEALTH TO ADOPT SWIMMING POOL SAFETY STANDARDS MILES (TOWE)

Respectfully report as follows: That HOUSE BILL No. 114,

be amended as follows:

1. Page 2, line 19. Following: "{i}" Insert: "(1)"

2. Page 2, line 25. Following: line 24. Insert: "(2) Any rule relating to the design, construction, reconstruction, alteration, conversion, repair, inspection, or use of buildings or installation of equipment in buildings is effective only when it has been adopted by the department of administration as part of the state building code and filed with the secretary of state pursuant to 50-60-204."

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

AND AS AMENDED BE CONCURRED IN

Judy Jacobson SENATOR JUDY JACOBSON Chairman.

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STATEMENT OF INTENT

HOUSE BILL 114

House Human Services and Aging Committee

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lifeguards.

REFERENCE BILL
HB 114



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 25 RULE RELATING TO THE DESIGN, CONSTRUCTION, RECONSTRUCTION,

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 2 BUILDINGS OR INSTALLATION OF EQUIPMENT IN BUILDINGS IS
 3 EFFECTIVE ONLY WHEN IT HAS BEEN ADOPTED BY THE DEPARTMENT OF
 4 ADMINISTRATION AS PART OF THE STATE BUILDING CODE AND FILED
 5 WITH THE SECRETARY OF STATE PURSUANT TO 50-60-204."

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SENATE COMMITTEE OF THE WHOLE AMENDMENT

Mar 18, 1985
DATE

4:30
TIME

MR. CHAIRMAN: I MOVE TO AMEND the STATEMENT OF INTENT, HOUSE BILL No. 114

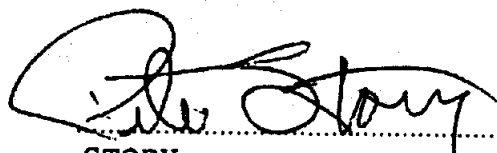
third reading copy (blue) as follows:
Color

Statement of Intent.
Page 1, line 25 and line 1, page 2.
Following: "requirements" on line 25
Strike: "such as lifeguards"

PC3HB114.581

KB

ADOPT
REJECT


STORY

GOVERNOR'S PROPOSED AMENDMENT
TO HOUSE BILL NO. 114,
REFERENCE COPY
April 16, 1985

1. Page 3, line 4.
Following: "OF" on line 3
Strike: "ADMINISTRATION"
Insert: "COMMERCE"

-END-

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2 HOUSE BILL 114
3 House Human Services and Aging Committee
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