

HOUSE BILL NO. 461

1/24 Introduced
1/24 Referred to State Administration
2/06 Hearing
Died in Committee

1 HOUSE BILL NO. 461
2 INTRODUCED BY Bradley Winkler

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW FEES FOR
5 SERVICES PERFORMED BY THE LABORATORY OF THE DEPARTMENT OF
6 HEALTH AND ENVIRONMENTAL SCIENCES TO BE DEPOSITED IN THE
7 FEDERAL AND OTHER SPECIAL REVENUE FUNDS; AMENDING SECTIONS
8 50-1-202 AND 75-6-104, MCA; AND PROVIDING AN EFFECTIVE
9 DATE."

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

12 Section 1. Section 50-1-202, MCA, is amended to read:
13 "50-1-202. General powers and duties. The department
14 shall:

- 15 (1) study conditions affecting the citizens of the
- 16 state by making use of birth, death, and sickness records;
- 17 (2) make investigations, disseminate information, and
- 18 make recommendations for control of diseases and improvement
- 19 of public health to persons, groups, or the public;
- 20 (3) at the request of the governor, administer any
- 21 federal health program for which responsibilities are
- 22 delegated to states;
- 23 (4) inspect and work in conjunction with custodial
- 24 institutions and Montana university system units
- 25 periodically as necessary and at other times on request of

1 the governor;

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

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

10 (7) organize laboratory services and provide equipment
11 and personnel for those services;

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

16 (9) develop, adopt, and administer rules setting
17 standards for participation in and operation of programs to
18 protect the health of mothers and children, which rules may
19 include programs for nutrition, family planning services,
20 improved pregnancy outcome, and those authorized by Title X
21 of the federal Public Health Service Act and Title V of the
22 federal Social Security Act;

23 (10) conduct health education programs;

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



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

3 (13) develop, adopt, and administer rules setting
 4 standards for a program to provide services to handicapped
 5 children, including standards for:

6 (a) diagnosis;

7 (b) medical, surgical, and corrective treatment;

8 (c) after-care and related services; and

9 (d) eligibility;

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

11 (15) bring actions in court for the enforcement of the
 12 health laws and defend actions brought against the board or
 13 department;

14 (16) accept and expend federal funds available for
 15 public health services;

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

19 (18) adopt rules imposing fees for the tests and
 20 services performed by the laboratory of the department,
 21 except fees relating to water analysis, which are imposed by
 22 the board pursuant to 75-6-103(2)(b). Fees, established on
 23 an annual basis, should reflect the actual costs of the
 24 tests or services provided. The department may not establish
 25 fees exceeding the costs incurred in performing tests or

1 services. All fees shall be deposited in the state federal
 2 and other special revenue fund funds for the use of the
 3 department in performing tests and services.

4 (19) adopt and enforce rules regarding the definition
 5 of communicable diseases and the reporting and control of
 6 communicable diseases; and

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

9 Section 2. Section 75-6-104, MCA, is amended to read:
 10 "75-6-104. Duties of department. The department shall:

11 (1) upon its own initiative or complaint to the
 12 department, to the mayor or health officer of a
 13 municipality, or to the managing board or officer of a
 14 public institution, make an investigation of alleged
 15 pollution of a water supply system and, if required,
 16 prohibit the continuance of the pollution by ordering
 17 removal of the cause of pollution;

18 (2) have waters examined to determine their quality
 19 and the possibility that they may endanger public health;

20 (3) consult and advise authorities of cities and towns
 21 and persons having or about to construct systems for water
 22 supply, drainage, wastewater, and sewage as to the most
 23 appropriate source of water supply and the best method of
 24 assuring its quality;

25 (4) advise persons as to the best method of treating

1 and disposing of their drainage, sewage, or wastewater with
 2 reference to the existing and future needs of other persons
 3 and to prevent pollution;

4 (5) consult with persons engaged in or intending to
 5 engage in manufacturing or other business whose drainage or
 6 sewage may tend to pollute waters as to the best method of
 7 preventing pollution;

8 (6) collect fees for services rendered in analyzing
 9 water and conducting inspections to cover costs of the
 10 service and deposit the fees collected in the state federal
 11 and other special revenue fund funds for use by the
 12 department;

13 (7) establish and maintain experiment stations and
 14 conduct experiments to study the best methods of treating
 15 water, drainage, wastewater, sewage, and industrial waste to
 16 prevent pollution, including investigation of methods used
 17 in other states;

18 (8) enter on premises at reasonable times to determine
 19 sources of pollution or danger to water supply systems and
 20 whether rules and standards of the board are being obeyed;

21 (9) enforce and administer the provisions of this
 22 part;

23 (10) establish a plan for the provision of safe
 24 drinking water under emergency circumstances;

25 (11) maintain an inventory of public water supply

1 systems and establish a program for conducting sanitary
 2 surveys; and

3 (12) enter into agreements with local boards of health
 4 wherever appropriate for the performance of surveys and
 5 inspections under the provisions of this part."

6 NEW SECTION. Section 3. Effective date. This act is
 7 effective July 1, 1985.

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