

HOUSE BILL NO. 727

INTRODUCED BY HANSEN, REAM, MILES

IN THE HOUSE

February 8, 1985	Introduced and referred to Committee on Local Government.
February 15, 1985	Committee recommend bill do pass as amended. Report adopted.
February 16, 1985	Bill printed and placed on members' desks.
February 18, 1985	Second reading, do pass.
February 19, 1985	Considered correctly engrossed.
February 20, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 22, 1985	Introduced and referred to Committee on Local Government.
March 20, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 23, 1985	Second reading, concurred in.
March 26, 1985	Third reading, concurred in. Ayes, 50; Noes, 0. Returned to House with amendments.

IN THE HOUSE

March 27, 1985	Received from Senate.
April 8, 1985	Second reading, amendments not concurred in. On motion, Conference Committee requested.
April 9, 1985	Conference Committee appointed.
April 22, 1985	Conference Committee dissolved. On motion, Free Conference Committee requested and appointed.
April 23, 1985	Free Conference Committee reported. On motion, rules suspended and bill placed on second reading this day. Second reading, Free Conference Committee report adopted. Third reading, Free Conference Committee report adopted.
April 24, 1985	Free Conference Committee report adopted by Senate. Sent to enrolling. Reported correctly enrolled.

1 HOUSE BILL NO. 727
 2 INTRODUCTION BY Steve J. Hansen
 3 Ream Miles
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXPAND THE
 5 RULEMAKING AUTHORITY OF LOCAL BOARDS OF HEALTH TO ENSURE
 6 MAINTENANCE OF SEWER SYSTEMS NOT CONTROLLED BY THE
 7 DEPARTMENT AND TO PROTECT GROUND WATER FROM CONTAMINATION;
 8 AND TO INCREASE PENALTIES; AMENDING SECTIONS 50-2-116 AND
 9 50-2-124, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 50-2-116, MCA, is amended to read:
 13 "50-2-116. Powers and duties of local boards. (1)
 14 Local boards shall:
 15 (a) appoint a local health officer who is a physician
 16 or a person with a master's degree in public health or
 17 equivalent and appropriate experience as determined by the
 18 department and fix his salary;
 19 (b) elect a chairman and other necessary officers;
 20 (c) employ necessary qualified staff;
 21 (d) adopt bylaws to govern meetings;
 22 (e) hold regular meetings quarterly and hold special
 23 meetings as necessary;
 24 (f) supervise destruction and removal of all sources
 25 of filth which cause disease;

1 (g) guard against the introduction of communicable
 2 disease;
 3 (h) supervise inspections of public establishments for
 4 sanitary conditions.
 5 (2) Local boards may:
 6 (a) quarantine persons who have communicable diseases;
 7 (b) require isolation of persons or things which are
 8 infected with communicable diseases;
 9 (c) furnish treatment for persons who have
 10 communicable diseases;
 11 (d) prohibit the use of places which are infected with
 12 communicable diseases;
 13 (e) require and provide means for disinfecting places
 14 which are infected with communicable diseases;
 15 (f) accept and spend funds received from a federal
 16 agency, the state, a school district, or other persons;
 17 (g) contract with another local board for all or a
 18 part of local health services;
 19 (h) reimburse local health officers for necessary
 20 expenses incurred in official duties;
 21 (i) abate nuisances affecting public health and safety
 22 or bring action necessary to restrain the violation of
 23 public health laws or rules;
 24 (j) adopt necessary regulations and fees for the
 25 control and disposal of sewage from private and public



-2-
 INTRODUCED BILL
 HB 727

1 buildings not currently connected to any municipal system
2 (fees shall be deposited with the county treasurer);

3 (k) adopt rules which do not conflict with rules
4 adopted by the department;

5 (i) for the control of communicable diseases;

6 (ii) for the removal of filth which might cause disease
7 or adversely affect public health;

8 (iii) on sanitation in public buildings which affects
9 public health;

10 (iv) for heating, ventilation, water supply, and waste
11 disposal in public accommodations which might endanger human
12 lives;

13 (v) for the control and disposal of sewage from
14 private and public buildings and for the maintenance of
15 treatment systems which do not discharge an effluent
16 directly into state waters and which are not required to
17 have an operating permit as required by rules adopted under
18 75-5-401; and

19 (vi) to protect ground water from chemical and
20 bacterial contamination from surface runoff, bulk materials
21 transport and storage facilities, and other sources that
22 could affect the present or future beneficial uses of ground
23 water."

24 Section 2. Section 50-2-124, MCA, is amended to read:

25 "50-2-124. Penalties for violations. (1) A person who

1 does not comply with rules adopted by a local board is
2 guilty of a misdemeanor. On conviction, he shall be fined
3 not less than \$10 or more than ~~50~~ \$500.

4 (2) Except as provided in subsection (1) of this
5 section and 50-2-123, a person who violates the provisions
6 of this chapter or rules adopted by the department under the
7 provisions of this chapter is guilty of a misdemeanor. On
8 conviction, he shall be fined not less than \$10 or more than
9 \$500, imprisoned for not more than 90 days, or both.

10 (3) Each day of violation constitutes a separate
11 offense.

12 (4) Fines shall be paid to the county treasurer of the
13 county in which the violation occurs."

14 NEW SECTION. Section 3. Extension of authority. Any
15 existing authority of local boards of health to make rules
16 on the subject of the provisions of this act is extended to
17 the provisions of this act.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 727

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RULEMAKING AUTHORITY OF LOCAL BOARDS OF HEALTH TO ENSURE
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AND TO INCREASE PENALTIES; AMENDING SECTIONS 50-2-116 AND
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(d) adopt bylaws to govern meetings;

(e) hold regular meetings quarterly and hold special
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11 disposal in public accommodations which might endanger human
12 lives; AND

13 (v) for the control and disposal of sewage from
14 private and public buildings and for the maintenance of
15 treatment systems THAT HAVE SERVICE CONNECTIONS FROM AT
16 LEAST FIVE SEPARATE PARCELS OF LAND which do not discharge
17 an effluent directly into state waters and which are not
18 required to have an operating permit as required by rules
19 adopted under 75-5-401; and.

20 ~~(vi) to protect ground water from chemical and~~
21 ~~bacterial contamination from surface runoff, bulk materials~~
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6 section and 50-2-123, a person who violates the provisions
7 of this chapter or rules adopted by the department under the
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-End-

SENATE

STANDING COMMITTEE REPORT

MARCH 20 19 85

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

No. 727

having had under consideration.....

THIRD

BLUE

reading copy ()

color

(ECK WILL CARRY)

REN

RULEMAKING AUTHORITY OF LOCAL HEALTH BOARDS RE: SEWER SYSTEMS

HOUSE BILL

No. 727

Respectfully report as follows: That.....

be amended as follows:

- 1. Title, line 7.
Following: "CONTAMINATION"
Insert: "AND TO PROTECT GROUND WATER FROM CONTAMINATION"
- 2. Page 3, line 12.
Following: "lives-;"
Strike: "AND"
- 3. Page 3, line 19.
Following: "and"
Strike: "."
Insert: "; and"
- 4. Page 3, line 24.
Following: "water-"
Insert: "(vi) to protect ground water from chemical and bacterial contamination from surface runoff, bulk materials transport and storage facilities, and other sources that could affect the present or future beneficial uses of ground water on adjacent properties."

AND AS AMENDED

BE CONCURRED IN

XXXXXX

XXXXXXXXXX

Senator Dave Fuller
 Senator Dave Fuller Chairman.

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 8 AND TO PROTECT GROUND WATER FROM CONTAMINATION; AND TO
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24 meetings as necessary;

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13 lives; AND

14 (v) for the control and disposal of sewage from
15 private and public buildings and for the maintenance of
16 treatment systems THAT HAVE SERVICE CONNECTIONS FROM AT
17 LEAST FIVE SEPARATE PARCELS OF LAND which do not discharge
18 an effluent directly into state waters and which are not
19 required to have an operating permit as required by rules
20 adopted under 75-5-401; and; AND

21 ~~(vi) to protect ground water from chemical and~~
22 ~~bacterial contamination from surface runoff, bulk materials~~
23 ~~transport and storage facilities, and other sources that~~
24 ~~could affect the present or future beneficial uses of ground~~
25 ~~water;~~

1 (VI) TO PROTECT GROUND WATER FROM CHEMICAL AND
2 BACTERIAL CONTAMINATION FROM SURFACE RUNOFF, BULK MATERIALS
3 TRANSPORT AND STORAGE FACILITIES, AND OTHER SOURCES THAT
4 COULD AFFECT THE PRESENT OR FUTURE BENEFICIAL USES OF GROUND
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-End-

CONFERENCE COMMITTEE REPORT

Report No. 1

April 22 1985

MR. SPEAKER

We, your Free Conference Committee on
House Bill 727, REFERENCE COPY, salmon

met and considered _____

We recommend as follows:

1. Title, line 8.
Strike: "AND TO PROTECT GROUND WATER FROM CONTAMINATION"
2. Page 3, line 13.
Following: "AND"
Insert: "and"
3. Page 3, lines 16 and 17.
Strike: "THAT" on line 16 through "LAND" on line 17
4. Page 3, line 20.
Strike: "; AND"
Insert: ."
5. Page 4, lines 1 through 5.
Strike: "(VI)" on line 1 through ." on line 5

And that this Conference Committee report be adopted.

FOR THE SENATE

Wendell Fuller
Fuller, Chm.

Wendell Eck
Eck

George McCallum
McCallum

FOR THE HOUSE

Ray Brandewie
Brandewie

D. Brown
D. Brown

Les Kitselman
Kitselman

John Miles
Miles

ADOPT REJECT

30A

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