

HOUSE BILL NO. 167

INTRODUCED BY STICKNEY, STRIZICH, GOOD

BY REQUEST OF THE DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

JANUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 14, 1989	FIRST READING.
JANUARY 20, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 21, 1989	PRINTING REPORT.
JANUARY 23, 1989	SECOND READING, DO PASS.
JANUARY 24, 1989	ENGROSSING REPORT.
JANUARY 25, 1989	THIRD READING, PASSED. AYES, 90; NOES, 6.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 26, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 3, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 4, 1989	SECOND READING, CONCURRED IN.
MARCH 7, 1989	THIRD READING, CONCURRED IN. AYES, 48; NOES, 2.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 9, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 10, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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2 INTRODUCED BY Richard J. ...
3 BY REQUEST OF THE DEPARTMENT OF HEALTH
4 AND ENVIRONMENTAL SCIENCES
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT
7 OF HEALTH AND ENVIRONMENTAL SCIENCES, RATHER THAN THE BOARD
8 OF HEALTH AND ENVIRONMENTAL SCIENCES, TO SET FEES FOR PUBLIC
9 WATER SUPPLY TESTS PERFORMED BY THE DEPARTMENT; AMENDING
10 SECTIONS 50-1-202 AND 75-6-103, MCA; AND PROVIDING AN
11 IMMEDIATE 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, adopt, and administer rules setting
19 standards for participation in and operation of programs to
20 protect the health of mothers and children, which rules may
21 include programs for nutrition, family planning services,
22 improved pregnancy outcome, and those authorized by Title X
23 of the federal Public Health Service Act and Title V of the
24 federal Social Security Act;
25 (10) conduct health education programs;

1 (11) provide consultation to school and local community
 2 health nurses in the performance of their duties;
 3 (12) consult with the superintendent of public
 4 instruction on health measures for schools;
 5 (13) develop, adopt, and administer rules setting
 6 standards for a program to provide services to handicapped
 7 children, including standards for:
 8 (a) diagnosis;
 9 (b) medical, surgical, and corrective treatment;
 10 (c) after-care and related services; and
 11 (d) eligibility;
 12 (14) provide consultation to local boards of health;
 13 (15) bring actions in court for the enforcement of the
 14 health laws and defend actions brought against the board or
 15 department;
 16 (16) accept and expend federal funds available for
 17 public health services;
 18 (17) have the power to use personnel of local
 19 departments of health to assist in the administration of
 20 laws relating to public health;
 21 (18) adopt rules imposing fees for the tests and
 22 services performed by the laboratory of the department;
 23 ~~except fees relating to water analysis, which are imposed by~~
 24 ~~the board pursuant to 75-6-103(2)(b).~~ Fees, established on
 25 an annual basis, should reflect the actual costs of the

1 tests or services provided. The department may not establish
 2 fees exceeding the costs incurred in performing tests and
 3 services. All fees shall be deposited in the state special
 4 revenue fund for the use of the department in performing
 5 tests and services.

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

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

11 **Section 2.** Section 75-6-103, MCA, is amended to read:

12 "75-6-103. Duties of the board. (1) The board has
 13 general supervision over all state waters which are directly
 14 or indirectly being used by a person for a public water
 15 supply system or domestic purposes or as a source of ice.

16 (2) The board shall adopt rules and standards
 17 concerning:

18 (a) maximum contaminant levels for waters that are or
 19 will be used for a public water supply system;

20 (b) fees for services rendered by the department in
 21 ~~analyzing water and~~ conducting inspections;

22 (c) monitoring, recordkeeping, and reporting by
 23 persons who own or operate a public water supply system;

24 (d) requiring public notice to all users of a public
 25 water supply system when a person has been granted a

1 variance or exemption or is in violation of this part or a
2 rule or order issued pursuant to this part;

3 (e) the issuance of licenses by the department to
4 laboratories that conduct analysis of public water supply
5 systems;

6 (f) the siting, construction, operation, and
7 modification of a public water supply system;

8 (g) the collection and analysis of samples of water
9 used for drinking or domestic purposes;

10 (h) the issuance of variances and exemptions as
11 authorized by the federal Safe Drinking Water Act and this
12 part; and

13 (i) any other requirement necessary for the protection
14 of public health as described in this part.

15 (3) The board may issue orders necessary to fully
16 implement the provisions of this part."

17 NEW SECTION. Section 3. Extension of authority. Any
18 existing authority to make rules on the subject of the
19 provisions of [this act] is extended to the provisions of
20 [this act].

21 NEW SECTION. Section 4. Effective date. [This act] is
22 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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9 WATER SUPPLY TESTS PERFORMED BY THE DEPARTMENT; AMENDING
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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, adopt, and administer rules setting
19 standards for participation in and operation of programs to
20 protect the health of mothers and children, which rules may
21 include programs for nutrition, family planning services,
22 improved pregnancy outcome, and those authorized by Title X
23 of the federal Public Health Service Act and Title V of the
24 federal Social Security Act;
25 (10) conduct health education programs;

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

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

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

(a) diagnosis;

(b) medical, surgical, and corrective treatment;

(c) after-care and related services; and

(d) eligibility;

(14) provide consultation to local boards of health;

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

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

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

(18) adopt rules imposing fees for the tests and services performed by the laboratory of the department, ~~except fees relating to water analysis, which are imposed by the board pursuant to 75-6-103(2)(b).~~ Fees, established on an annual basis, should reflect the actual costs of the

tests or services provided. The department may not establish fees exceeding the costs incurred in performing tests and services. All fees shall be deposited in the state special revenue fund for the use of the department in performing tests and services.

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

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

Section 2. Section 75-6-103, MCA, is amended to read:

"75-6-103. Duties of the board. (1) The board has general supervision over all state waters which are directly or indirectly being used by a person for a public water supply system or domestic purposes or as a source of ice.

(2) The board shall adopt rules and standards concerning:

(a) maximum contaminant levels for waters that are or will be used for a public water supply system;

(b) fees for services rendered by the department in ~~analyzing water and~~ conducting inspections;

(c) monitoring, recordkeeping, and reporting by persons who own or operate a public water supply system;

(d) requiring public notice to all users of a public water supply system when a person has been granted a

1 variance or exemption or is in violation of this part or a
2 rule or order issued pursuant to this part;

3 (e) the issuance of licenses by the department to
4 laboratories that conduct analysis of public water supply
5 systems;

6 (f) the siting, construction, operation, and
7 modification of a public water supply system;

8 (g) the collection and analysis of samples of water
9 used for drinking or domestic purposes;

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11 authorized by the federal Safe Drinking Water Act and this
12 part; and

13 (i) any other requirement necessary for the protection
14 of public health as described in this part.

15 (3) The board may issue orders necessary to fully
16 implement the provisions of this part."

17 NEW SECTION. **Section 3.** Extension of authority. Any
18 existing authority to make rules on the subject of the
19 provisions of [this act] is extended to the provisions of
20 [this act].

21 NEW SECTION. **Section 4.** Effective date. [This act] is
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-End-

House BILL NO. *167*

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BY REQUEST OF THE DEPARTMENT OF HEALTH

AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES, RATHER THAN THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES, TO SET FEES FOR PUBLIC WATER SUPPLY TESTS PERFORMED BY THE DEPARTMENT; AMENDING SECTIONS 50-1-202 AND 75-6-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

(4) inspect and work in conjunction with custodial

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

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

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

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

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

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

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SENATE STANDING COMMITTEE REPORT

March 3, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration HB 167 (third reading copy -- blue), respectfully report that HB 167 be amended and as so amended be concurred in:

Sponsor: Stickney (Bengtson)

1. Page 3, line 21.

Following: "(18)"

Insert: "after consultation with the board,"

AND AS AMENDED BE CONCURRED IN

Signed: _____


William E. Farrell, Chairman

SENATE

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