

1 HOUSE BILL NO. 483

2 INTRODUCED BY E. LIESER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE INSPECTION OF SEPTIC SYSTEMS PRIOR
5 TO A PROPERTY TRANSFER; DIRECTING THE BOARD OF ENVIRONMENTAL REVIEW TO PROMULGATE
6 STANDARDS FOR SEPTIC SYSTEM INSPECTIONS; AND AMENDING SECTION 50-2-116, MCA."

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

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10 **Section 1.** Section 50-2-116, MCA, is amended to read:

11 **"50-2-116. Powers and duties of local boards of health.** (1) In order to carry out the purposes of the
12 public health system, in collaboration with federal, state, and local partners, each local board of health shall:

13 (a) appoint and fix the salary of a local health officer who is:

14 (i) a physician;

15 (ii) a person with a master's degree in public health; or

16 (iii) a person with equivalent education and experience, as determined by the department;

17 (b) elect a presiding officer and other necessary officers;

18 (c) employ qualified staff;

19 (d) adopt bylaws to govern meetings;

20 (e) hold regular meetings at least quarterly and hold special meetings as necessary;

21 (f) identify, assess, prevent, and ameliorate conditions of public health importance through:

22 (i) epidemiological tracking and investigation;

23 (ii) screening and testing;

24 (iii) isolation and quarantine measures;

25 (iv) diagnosis, treatment, and case management;

26 (v) abatement of public health nuisances;

27 (vi) inspections;

28 (vii) collecting and maintaining health information;

29 (viii) education and training of health professionals; or

30 (ix) other public health measures as allowed by law;

1 (g) protect the public from the introduction and spread of communicable disease or other conditions of
2 public health importance, including through actions to ensure the removal of filth or other contaminants that might
3 cause disease or adversely affect public health;

4 (h) supervise or make inspections for conditions of public health importance and issue written orders for
5 compliance or for correction, destruction, or removal of the conditions;

6 (i) bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation of
7 public health laws, rules, and local regulations;

8 (j) identify to the department an administrative liaison for public health. The liaison must be the local
9 health officer in jurisdictions that employ a full-time local health officer. In jurisdictions that do not employ a
10 full-time local health officer, the liaison must be the highest ranking public health professional employed by the
11 jurisdiction.

12 (k) subject to the provisions of 50-2-130, adopt necessary regulations that are not less stringent than
13 state standards for the control and disposal of sewage from private and public buildings and facilities that are not
14 regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting
15 variances from the minimum requirements that are identical to standards promulgated by the board of
16 environmental review and must provide for appeal of variance decisions to the department as required by
17 75-5-305.

18 (2) Local boards of health may:

19 (a) accept and spend funds received from a federal agency, the state, a school district, or other persons
20 or entities;

21 (b) adopt necessary fees to administer regulations for the control and disposal of sewage from private
22 and public buildings and facilities;

23 (c) adopt regulations that do not conflict with rules adopted by the department:

24 (i) for the control of communicable diseases;

25 (ii) for the removal of filth that might cause disease or adversely affect public health;

26 (iii) subject to the provisions of 50-2-130, for sanitation in public and private buildings and facilities that
27 affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly
28 into state water and that are not required to have an operating permit as required by rules adopted under
29 75-5-401;

30 (iv) subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing

1 establishments and that are not less stringent than state standards for tattooing and body-piercing
2 establishments;

3 (v) for the establishment of institutional controls that have been selected or approved by the:

4 (A) United States environmental protection agency as part of a remedy for a facility under the federal
5 Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.; or

6 (B) department of environmental quality as part of a remedy for a facility under the Montana
7 Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7; and

8 (vi) to implement the public health laws; ~~and~~

9 (d) adopt regulations requiring inspection of individual onsite septic systems prior to a property transfer
10 in accordance with standards promulgated by the board of environmental review pursuant to [section 2]; and

11 ~~(e)~~ promote cooperation and formal collaborative agreements between the local board of health and
12 tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting,
13 information and data sharing, reporting, resource allocation, service delivery, jurisdiction, and other matters
14 addressed in this title.

15 (3) A local board of health may provide, implement, facilitate, or encourage other public health services
16 and functions as considered reasonable and necessary."

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18 NEW SECTION. Section 2. Standards for individual septic system inspections. The board of
19 environmental review provided for in 2-15-3502 shall promulgate standards that local boards of health may adopt
20 pursuant to 50-2-116 for the inspection of individual onsite septic systems prior to a property transfer. The
21 standards must require inspections and reports that provide the transferees with accurate and reliable
22 assessments of the functionality and the condition of the onsite septic systems.

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24 NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an
25 integral part of Title 75, chapter 5, and the provisions of Title 75, chapter 5, apply to [section 2].

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