

1 HOUSE BILL NO. 543

2 INTRODUCED BY D. MOORE

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR LOCAL BOARD OF HEALTH
5 REGULATIONS REGARDING WASTEWATER AND SUBSURFACE SEWAGE TREATMENT SYSTEMS;
6 REQUIRING LOCAL REGULATIONS TO ESTABLISH CERTAIN REQUIREMENTS BASED ON THE NUMBER
7 OF BEDROOMS IN A DWELLING; PROVIDING A DEFINITION OF "BEDROOM"; AND AMENDING SECTION
8 50-2-116, MCA."

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

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

13 **"50-2-116. Powers and duties of local boards of health.** (1) In order to carry out the purposes of the
14 public health system, in collaboration with federal, state, and local partners, each local board of health shall:

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

16 (i) a physician;

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

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

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

20 (c) employ qualified staff;

21 (d) adopt bylaws to govern meetings;

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

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

24 (i) epidemiological tracking and investigation;

25 (ii) screening and testing;

26 (iii) isolation and quarantine measures;

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

28 (v) abatement of public health nuisances;

29 (vi) inspections;

30 (vii) collecting and maintaining health information;

- 1 (viii) education and training of health professionals; or
- 2 (ix) other public health measures as allowed by law;
- 3 (g) protect the public from the introduction and spread of communicable disease or other conditions of
- 4 public health importance, including through actions to ensure the removal of filth or other contaminants that might
- 5 cause disease or adversely affect public health;
- 6 (h) supervise or make inspections for conditions of public health importance and issue written orders for
- 7 compliance or for correction, destruction, or removal of the conditions;
- 8 (i) bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation of
- 9 public health laws, rules, and local regulations;
- 10 (j) identify to the department an administrative liaison for public health. The liaison must be the local
- 11 health officer in jurisdictions that employ a full-time local health officer. In jurisdictions that do not employ a
- 12 full-time local health officer, the liaison must be the highest ranking public health professional employed by the
- 13 jurisdiction.
- 14 (k) subject to the provisions of 50-2-130, adopt necessary regulations that are not less stringent than
- 15 state standards for the control and disposal of sewage from private and public buildings and facilities that are not
- 16 regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must establish requirements for
- 17 wastewater flow and the size of subsurface sewage treatment systems for residential dwelling units based on the
- 18 number of bedrooms. The regulations must describe standards for granting variances from the minimum
- 19 requirements that are identical to standards promulgated by the board of environmental review and must provide
- 20 for appeal of variance decisions to the department as required by 75-5-305. If the local board of health regulates
- 21 or permits water well drilling, the regulations must prohibit the drilling of a well if the well isolation zone, as defined
- 22 in 76-4-102, encroaches onto adjacent private property without the authorization of the private property owner.
- 23 (2) Local boards of health may:
- 24 (a) accept and spend funds received from a federal agency, the state, a school district, or other persons
- 25 or entities;
- 26 (b) adopt necessary fees to administer regulations for the control and disposal of sewage from private
- 27 and public buildings and facilities;
- 28 (c) adopt regulations that do not conflict with rules adopted by the department:
- 29 (i) for the control of communicable diseases;
- 30 (ii) for the removal of filth that might cause disease or adversely affect public health;

1 (iii) subject to the provisions of 50-2-130, for sanitation in public and private buildings and facilities that
2 affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly
3 into state water and that are not required to have an operating permit as required by rules adopted under
4 75-5-401;

5 (iv) subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing
6 establishments and that are not less stringent than state standards for tattooing and body-piercing
7 establishments;

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

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

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

13 (vi) to implement the public health laws; and

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

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

20 (4) For the purposes of this section, "bedroom" means any room that is or may be used for sleeping. An
21 unfinished basement is considered an additional bedroom."

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