

HOUSE BILL NO. 381

INTRODUCED BY L. BREWSTER

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT LAW ENFORCEMENT SHALL REPORT ALL INHABITABLE PROPERTIES CONTAMINATED BY METHAMPHETAMINE; AND AMENDING SECTION 75-10-1306, MCA."

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

Section 1. Section 75-10-1306, MCA, is amended to read:

"75-10-1306. Reporting requirements. (1) Whenever a state or local law enforcement agency becomes aware that an inhabitable property has been contaminated by its use as a clandestine methamphetamine drug lab ~~or has been contaminated from smoke from the use of methamphetamine~~, the agency shall report the contamination to the department and to the local health officer.

(2) (A) WHENEVER A STATE OR LOCAL LAW ENFORCEMENT AGENCY BECOMES AWARE THAT AN INHABITABLE PROPERTY HAS BEEN CONTAMINATED FROM SMOKE FROM THE USE OF METHAMPHETAMINE, THE STATE OR LOCAL LAW ENFORCEMENT AGENCY SHALL INVESTIGATE THE CLAIM AND MAKE A DETERMINATION IF THE CLAIM IS LEGITIMATE.

(B) WHEN A CLAIM THAT A PROPERTY HAS BEEN CONTAMINATED FROM SMOKE FROM THE USE OF METHAMPHETAMINE IS DETERMINED TO BE LEGITIMATE, THE AGENCY SHALL REPORT THE CONTAMINATION TO THE DEPARTMENT AND TO THE LOCAL HEALTH OFFICER.

~~(2)~~(3) The department shall maintain a list of inhabitable property that has been reported as contaminated, and the list must be made available to the public through a website except as provided in subsection ~~(3)~~ (4).

~~(3)~~(4) Upon confirmation by the department that an inhabitable property has been properly remediated to the standards established in 75-10-1303 or that the inhabitable property meets the decontamination standards without decontamination, the department shall remove the inhabitable property from the list required in subsection ~~(2)~~ (3). The department shall provide written notification to the local health officer

1 and the property owner of record when the documentation shows that the inhabitable property has been
2 properly assessed or remediated.

3 ~~(4)~~(5) The department may adopt rules establishing reasonable requirements for the sufficiency of
4 documentation to be provided by a certified contractor.

5 ~~(5)~~(6) Notwithstanding any other provision of law, once an inhabitable property has been removed
6 from the list required in subsection ~~(2)~~ (3), a property owner, landlord, or real estate agent is not required to
7 report or otherwise disclose the past contamination."
8

9 NEW SECTION. SECTION 2. LEGISLATIVE INTENT. IT IS THE INTENT OF THE LEGISLATURE THAT THE AGENCY
10 PERFORM THE FUNCTIONS AMENDED IN [SECTION 1] WITHIN EXISTING RESOURCES.

11 - END -