

SENATE BILL NO. 108

INTRODUCED BY D. KARY, F. ANDERSON, D. BARTEL, B. BEARD, S. BERGLEE, M. BERTOGLIO, M. BINKLEY, L. BREWSTER, P. FIELDER, R. FITZGERALD, F. FLEMING, J. FULLER, S. GALLOWAY, S. GREEF, E. HILL, J. HINKLE, S. KERNS, C. KNUDSEN, R. KNUDSEN, B. LER, D. LOGE, W. MCKAMEY, T. MOORE, M. NOLAND, J. PATELIS, B. PHALEN, J. READ, A. REGIER, V. RICCI, J. SCHILLINGER, K. SEEKINS-CROWE, L. SHELDON-GALLOWAY, D. SKEES, M. STROMSWOLD, J. TREBAS, K. ZOLNIKOV, M. BLASDEL, K. BOGNER, B. BROWN, M. CUFFE, J. ELLSWORTH, C. FRIEDEL, C. GLIMM, G. HERTZ, S. HINEBAUCH, D. HOWARD, T. MANZELLA, T. MCGILLVRAY, B. MOLNAR, R. OSMUNDSON, K. REGIER, W. SALES, J. SMALL, C. SMITH, R. TEMPEL, G. VANCE

A BILL FOR AN ACT ENTITLED: “AN ACT GENERALLY REVISING LAWS RELATED TO LOCAL BOARDS OF HEALTH; ~~REQUIRING THAT CERTAIN RULES, REGULATIONS, AND FEES BE APPROVED BY THE GOVERNING BODY; REQUIRING THAT THE GOVERNING BODY APPROVE THE POWERS AND DUTIES OF A LOCAL BOARD OF HEALTH; REMOVING PENALTIES FOR A LAW ENFORCEMENT OFFICER WHO DOES NOT RENDER SERVICE TO A STATE OR LOCAL HEALTH OFFICER; ALLOWING A LOCAL BOARD OF HEALTH TO ISSUE ORDERS AND BRING ACTIONS FOR NONCOMPLIANCE WITH THE APPROVAL OF THE GOVERNING BODY; PROVIDING A DEFINITION; AMENDING SECTIONS 50-1-101, 50-2-116, 50-2-118, 50-2-120, 50-2-123, 50-2-124, AND 50-2-130, MCA; ALLOWING FOR A CITIZEN INITIATIVE TO AMEND OR REPEAL LOCAL HEALTH BOARD ACTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.”~~

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. Procedure for initiative election -- local health board actions. (1) The electors residing within the jurisdiction of a local health board may, by petition, request an election on whether to repeal or amend a local health board action. The form of the petition must be approved by the county

1 election administrator of the county or counties that have territory within the local health board's jurisdiction. A
2 petition signed by at least 5% of the qualified electors residing within the jurisdiction of the local health board is
3 sufficient to require an election.

4 (2) If an approved petition containing sufficient signatures is filed prior to the effective date of the local
5 health board action or within 14 days after the passage of the local health board action, whichever is later, a
6 petition requesting an election on whether to amend or repeal the local health board action delays the local
7 health board action's effective date until the local health board action is ratified by the electors.

8 (3) A petition for an election must:

9 (a) set out fully the local board action sought to be amended and the proposed amendment or the
10 local board action to be repealed;

11 (b) specify the local governing body that oversees the local health board; and

12 (c) be in the form prescribed in Title 13, chapter 27, except as specifically provided in this part.

13 (4) An election held pursuant to this section must be conducted within 30 days of the filing of a
14 petition allowed in subsection (2) and may be held:

15 (a) in conjunction with the next local government election held in accordance with Title 13, chapter 1,
16 part 4; or

17 (b) as a special election if the next local government election does not occur within 30 days of the
18 filing of a petition allowed in subsection (2).

19 (5) The city clerk, county election administrator, or both if applicable shall certify the results of the
20 election.

21 (6) If a majority of those voting on the question approve the proposal:

22 (a) it becomes effective when the election results are officially declared, unless otherwise stated in the
23 proposal; and

24 (b) the local board of health may not subsequently propose, adopt, or enact a local health board
25 action that is similar to the original local health board action or conflicts with the amended or repealed local
26 board action approved by the electors as allowed in this section.

27 (7) The local governing body that oversees the local board of health is responsible for all costs
28 incurred by the petition and election provided for in this section.

1 (8) As used in this section, the following definitions apply:

2 (a) "Local governing body" or "governing body" means:

3 (i) the board of county commissioners that oversees a county local board of health;

4 (ii) the elected governing body of a city that oversees a city local board of health; or

5 (iii) the entity identified as the governing body as established in the bylaws, interlocal agreement, or
6 memorandum of understanding creating a city-county local board of health or a local district board of health.

7 (b) "Local health board action" includes a regulation, rule, directive, or order adopted or enacted by a
8 local health board pursuant to this part.

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10 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
11 integral part of Title 50, chapter 2, part 1, and the provisions of Title 50, chapter 2, part 1, apply to [section 1].

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13 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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