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RESOLUTION 2022-06

LIMIT MUNICIPAL HEALTH BOARD JURISDICTION TO MUNICIPAL BOUNDARIES

It is the intent of the Montana Association of Counties to seek legislation that limits the jurisdiction of municipal boards of health to within the city or town limits.

WHEREAS MCA 7-31-4101 provides that a city or town has the power to provide for a board of health; and

WHEREAS MCA 7-31-4101 further provides that a city or town has the power to prescribe the board's powers and duties; and

WHEREAS MCA 7-31-4101 continues further, that when such a board of health is provided, for the same to have jurisdiction within the city or town limits and within 3 miles thereof; and

WHEREAS MCA 50-2-104 provides that there is a county board of health in each county; and

WHEREAS the 3 miles outside of a city or town's jurisdiction falls within the county's jurisdiction creating a governing overlap.

NOW, THEREFORE BE IT RESOLVED the Montana Association of Counties believes the jurisdiction outside of the city or town limits is within the county jurisdiction and is thereby subject to county health board governance; and

BE IT FURTHER RESOLVED that the Montana Association of Counties will pursue legislation to remove the extraterritorial 3 miles from MCA 7-31-4101.

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| SPONSOR: | FLATHEAD COUNTY |
| REFERRED TO: | HEALTH & HUMAN SERVICES COMMITTEE (HHS) |
| ADOPTED: | ANNUAL CONFERENCE – SEPTEMBER 28, 2022 |