

LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature

First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 316, As Amended in the Senate

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PUBLIC HEALTH DISTRICTS; AMENDING CHAPTER 35, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3505H, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS SHALL NOT BE ELIGIBLE FOR COUNTY MEDICAL ASSISTANCE OR ASSISTANCE UNDER THE CATASTROPHIC HEALTH CARE COST PROGRAM AND TO PROVIDE LEGISLATIVE INTENT; AMENDING SECTION 39-401, IDAHO CODE, TO PROVIDE THAT PUBLIC HEALTH DISTRICTS ARE NOT DEPARTMENTS OR AGENCIES OF A COUNTY GOVERNMENT, TO PROVIDE FOR THE CONTINUANCE OF CERTAIN AGREEMENTS OR SERVICE ARRANGEMENTS, TO PROVIDE AN EXCEPTION, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-411, IDAHO CODE, TO REMOVE A PROVISION THAT NO MORE THAN ONE MEMBER OF A DISTRICT BOARD OF HEALTH SHALL BE APPOINTED FROM CERTAIN GROUPS; AMENDING SECTION 39-413, IDAHO CODE, TO PROVIDE THAT THE DISTRICT BOARD OF HEALTH SHALL DETERMINE COMPENSATION FOR THE DISTRICT HEALTH DIRECTOR AND TO PROVIDE THAT CERTAIN DUTIES SHALL BE THE EXCLUSIVE RESPONSIBILITY OF THE DISTRICT HEALTH DIRECTOR; AMENDING SECTION 39-414, IDAHO CODE, TO REVISE PROVISIONS REGARDING POWERS AND DUTIES OF THE DISTRICT BOARD OF HEALTH; AMENDING SECTION 39-414A, IDAHO CODE, TO REMOVE A REFERENCE TO THE LEGISLATIVE COUNCIL; AMENDING SECTION 39-423, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF A DESIGNEE TO THE BUDGET COMMITTEE OF A PUBLIC HEALTH DISTRICT AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 4, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-424A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING ADDITIONAL COUNTY AID TO PUBLIC HEALTH DISTRICTS AND PROCEDURES; AMENDING SECTION 39-425, IDAHO CODE, TO REVISE PROVISIONS REGARDING STATE AID TO PUBLIC HEALTH DISTRICTS; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 35, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-3505H, Idaho Code, and to read as follows:

31-3505H. ELIGIBILITY FOR FINANCIAL ASSISTANCE. (1) Notwithstanding any provision of law or rule to the contrary, no person eligible for medicaid pursuant to section 56-254 or 56-267, Idaho Code, shall be eligible for financial assistance pursuant to this chapter.

(2) Notwithstanding any provision of law or rule to the contrary, no person eligible for health insurance shall be eligible for financial assistance pursuant to this chapter.

(3) Notwithstanding any provision of law or rule to the contrary, no person in a commitment proceeding pursuant to chapter 3, title 66, Idaho Code, who is eligible for medicaid or eligible for health insurance shall be eligible for financial assistance pursuant to this chapter.

1 (4) It is the intent of the legislature that moneys saved by counties
 2 pursuant to this section may be used for additional county aid to public
 3 health districts as required by section 39-424A, Idaho Code.

4 SECTION 2. That Section 39-401, Idaho Code, be, and the same is hereby
 5 amended to read as follows:

6 39-401. LEGISLATIVE INTENT. (1) The various health districts, as pro-
 7 vided for in this chapter, are not:

8 (a) A ~~a~~ single department of state government unto themselves, ~~nor are~~
 9 ~~they a;~~

10 (b) A part of any of the twenty (20) departments of state government au-
 11 thorized by section 20, article IV, Idaho constitution, ~~or;~~

12 (c) A part of the departments prescribed in section 67-2402, Idaho
 13 Code.; or

14 (d) A department or an agency of county government.

15 (2) It is legislative intent that health districts operate and be
 16 recognized not as state or county agencies or departments, but as govern-
 17 mental entities whose creation has been authorized by the state, much in
 18 the manner as other single purpose districts. Pursuant to this intent, and
 19 because health districts are not state or county departments or agencies,
 20 health districts are exempt from the required participation in the services
 21 of the purchasing agent or employee liability coverage, as rendered by the
 22 department of administration. However, nothing shall prohibit the health
 23 districts from entering into ~~contractual~~ contractual arrangements with the
 24 department of administration, or any other department of state government or
 25 an elected constitutional officer, for these or any other services.

26 (3) It is legislative intent to affirm the provisions of section
 27 39-413, Idaho Code, requiring compliance with the state merit system, and
 28 to affirm the participation of the health districts in the public employee
 29 retirement system, pursuant to section 39-426, Idaho Code, chapter 13, title
 30 59, Idaho Code, and chapter 53, title 67, Idaho Code.

31 (4) It is also legislative intent that the matters of location of de-
 32 positor of health district funds, or the instruments or documents of payment
 33 from those funds shall be construed as no more than items of convenience for
 34 the conduct of business, and in no way reflect upon the nature or status of
 35 the health districts as entities of government.

36 (5) This section merely affirms that health districts created under
 37 this chapter are not state or county agencies, and in no way changes the char-
 38 acter of those agencies as they existed prior to this act.

39 (6) Public health districts will have the option to continue with
 40 agreements and service arrangements, including insurance arrangements,
 41 with state agencies that were effective prior to January 1, 2022, unless an
 42 agreement or service arrangement is expressly nullified by statute.

43 SECTION 3. That Section 39-411, Idaho Code, be, and the same is hereby
 44 amended to read as follows:

45 39-411. COMPOSITION OF DISTRICT BOARD -- QUALIFICATIONS OF MEMBERS
 46 -- APPOINTMENT AND REMOVAL -- TERMS -- SELECTION OF OFFICERS -- BOARD OF
 47 TRUSTEES OF DISTRICT BOARDS OF HEALTH. (1) For those districts comprised of:

1 (a) Fewer than eight (8) counties, the district board of health shall
2 consist of seven (7) members to be appointed by the boards of county
3 commissioners within each district acting jointly, and each board of
4 county commissioners may appoint a board member.

5 (b) Eight (8) counties, the district board of health shall consist of
6 not fewer than eight (8) members nor more than nine (9) members, and each
7 board of county commissioners may appoint a board member.

8 (2) Each member of the district board of health shall be a citizen of the
9 United States, a resident of the state of Idaho and the public health dis-
10 trict for one (1) year immediately last past, and a qualified elector. One
11 (1) member of the district board, if available to serve, shall be a physician
12 licensed by the Idaho state board of medicine, ~~and no more than one (1) mem-~~
~~ber shall be appointed from any professional or special interest group.~~ All
13 members shall be chosen with due regard to their knowledge and interest in
14 public health and in promoting the health of the citizens of the state and the
15 public health district. Representation shall be assured from rural as well
16 as urban population groups.

17 (3) All appointments to the district board shall be confirmed by a
18 majority vote of all the county commissioners of all the counties located
19 within the public health district. Any member of the district board may be
20 removed by majority vote of all the county commissioners of all the counties
21 located within the district.

22 (4) The members of the district board of health shall be appointed for a
23 term of five (5) years, subject to reappointment; and vacancies on the board
24 for an unexpired term shall be filled for the balance of the unexpired term.
25 Notwithstanding any provision of this section as to term of appointment, if
26 a board member is an appointee for a board of county commissioners, and if
27 that board member is an elected county commissioner and leaves office prior
28 to the expiration of the term on the district board of health, the board of
29 county commissioners may declare the position vacant and may appoint another
30 currently elected county commissioner to fill the unexpired portion of the
31 term of that board member.

32 (5) The members of the district board, each year, shall select a chair-
33 man, a vice chairman and a trustee. The trustee shall represent the district
34 board as a member of the board of trustees of the Idaho district boards of
35 health.

36 (6) The board of trustees of the Idaho district boards of health shall
37 have authority to allocate appropriations from the legislature to the health
38 districts. Such authority is limited to the development and administration
39 of formulas for the allocation of legislative appropriations. Any formula
40 adopted by the board of trustees must be in use, without alteration, for at
41 least two (2) years; provided that during the two (2) year period, the for-
42 mula may be changed if an emergency occurs, the emergency is declared and
43 there is a unanimous vote of the board of trustees to make the emergency for-
44 mula change. All proceedings of the board of trustees shall be subject to the
45 provisions of chapter 2, title 74, Idaho Code.

46
47 SECTION 4. That Section 39-413, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 39-413. DISTRICT HEALTH DIRECTOR -- APPOINTMENT -- POWERS AND DU-
2 TIES. A district health director shall be appointed by the district board and
3 shall receive compensation as determined by the district board. The direc-
4 tor shall have and exercise the following powers and duties in addition to
5 all other powers and duties inherent in the position or delegated to him or
6 imposed upon him by law or rule, regulation, or ordinance:

7 (1) To be secretary and administrative officer of the district board of
8 health;

9 (2) To prescribe such rules and regulations, consistent with the re-
10 quirements of this chapter, as may be necessary for the government of the
11 district, the conduct and duties of the district employees, the orderly and
12 efficient handling of business and the custody, use and preservation of the
13 records, papers, books and property belonging to the public health district;

14 (3) To administer oaths for all purposes required in the discharge of
15 his duties;

16 (4) With the approval of the district board to:

17 (a) Prescribe the positions and the qualifications of all personnel un-
18 der the district health director on a nonpartisan merit basis in accor-
19 dance with the objective standards approved by the district board. This
20 shall be the exclusive responsibility of the district health director,
21 with the approval of the board, and no state official, elected or other-
22 wise, or agency shall have any power to disapprove or interfere with the
23 performance by the director and the board of this duty or to delay such
24 performance in any way.

25 (b) Fix the rate of pay and appoint, promote, demote, and separate such
26 employees and to perform such other personnel actions as are needed from
27 time to time in conformance with the requirements of chapter 53, title
28 67, Idaho Code. This shall be the exclusive responsibility of the dis-
29 trict health director, with the approval of the board, and no state of-
30 ficial, elected or otherwise, or agency shall have any power to disap-
31 prove or interfere with the performance by the director and the board of
32 this duty or to delay such performance in any way.

33 (c) Create such units and sections as are or may be necessary for the
34 proper and efficient functioning of the duties herein imposed.

35 SECTION 5. That Section 39-414, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 39-414. POWERS AND DUTIES OF DISTRICT BOARD. The district board of
38 health shall have and may exercise the following powers and duties:

39 (1) To administer and enforce all state and district health laws, regu-
40 lations, and standards.

41 (2) To do all things required for the preservation and protection of
42 the public health and preventive health, and to enter into agreements with
43 the director of the state department of health and welfare or the director
44 of the department of environmental quality to provide services or do such
45 other things delegated by the director of the state department of health and
46 welfare or the director of the department of environmental quality and this
47 shall be authority for the director(s) to so delegate as specified in the
48 agreement. An agreement entered pursuant to this subsection may be between
49 either such director and one (1) district or multiple districts. An order of

1 a district board of health will take effect immediately. However, notwithstanding the provisions of this subsection, if an order applies to all persons in a county or a public health district, the board of county commissioners within each affected county, after consulting with the district board of health, will determine by resolution whether or not to approve the order within county limits within seven (7) days of the date of the order. If the board of county commissioners approves the order, then the order will take effect immediately for a period of thirty (30) days. Thereafter, the order may be extended, amended, or modified and reimposed for thirty (30) day periods, subject to approval by the board of county commissioners.

2 (3) To determine the location of its main office and to determine the location, if any, of branch offices.

3 (4) To enter into contracts with any other governmental or public agency whereby the district board agrees to render services to or for such agency in exchange for a charge reasonably calculated to cover the cost of rendering such service. This authority is to be limited to services voluntarily rendered and voluntarily received and shall not apply to services required by statute, rule, and regulations, or standards promulgated pursuant to this act or chapter 1, title 39, Idaho Code.

4 (5) All moneys or payment received or collected by gift, grant, devise, or any other way shall be deposited to the respective division or subaccount of the public health district in the public health district fund authorized by section 39-422, Idaho Code.

5 (6) To establish a fiscal control policy ~~required by the state controller.~~

6 (7) To cooperate with the state board of health and welfare, the department of health and welfare, the board of environmental quality and the department of environmental quality.

7 (8) To enter into contracts with other governmental agencies, and this act hereby authorizes such other agencies to enter into contracts with the health district, as may be deemed necessary to fulfill the duties imposed upon the district in providing for the health of the citizens within the district.

8 (9) To purchase, exchange or sell real property and construct, rent, or lease such buildings as may be required for the accomplishment of the duties imposed upon the district and to further obtain such other personal property as may be necessary to its functions.

9 (10) To accept, receive and utilize any gifts, grants, or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in this act.

10 (11) To establish a charge whereby the board agrees to render services to or for entities other than governmental or public agencies for an amount reasonably calculated to cover the cost of rendering such service.

11 (12) To enter into a lease of real or personal property as lessor or lessee, or other transaction with the Idaho health facilities authority for a term not to exceed ninety-nine (99) years upon a determination by the district board that the real or personal property to be leased is necessary for the purposes of the district, and to pledge nontax revenues of the district to secure the district's obligations under such leases. For the purposes of this chapter, a public health district is not a subdivision of the state and

1 shall be considered an independent body corporate and politic pursuant to
2 section 1, article VIII, of the constitution of the state of Idaho, and is not
3 authorized hereby to levy taxes nor to obligate the state of Idaho concerning
4 such financing.

5 (13) To administer and certify solid waste disposal site operations,
6 closure, and post-closure procedures established by statute or regulation
7 in accordance with provisions of chapter 74, title 39, Idaho Code, in a
8 manner equivalent to the site certification process set forth in section
9 39-7408, Idaho Code.

10 (14) To select a board member to serve as trustee on the board of
11 trustees of the Idaho district boards of health.

12 SECTION 6. That Section 39-414A, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 39-414A. AUDIT OF HEALTH DISTRICT FINANCES. It shall be the duty of
15 each district board of health to cause to be made a full and complete audit
16 of all the financial transactions of the health district no less frequently
17 than every two (2) years. Such audit shall be made by or under the direction
18 of the legislative council, in accordance with generally accepted auditing
19 standards and procedures. The district board of health shall include all
20 necessary expenses for such audit in its budget.

21 SECTION 7. That Section 39-423, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 39-423. BUDGET COMMITTEE OF PUBLIC HEALTH DISTRICT. The chairmen of
24 the boards of county commissioners located within the public health dis-
25 trict are hereby constituted as the budget committee of the public health
26 district.

27 The district board will submit to the budget committee by the first Mon-
28 day in June of each year the preliminary budget for the public health dis-
29 trict and the estimated cost to each county, as determined by the provisions
30 of section 39-424, Idaho Code.

31 On or before the first Monday in July, there will be held at a time and
32 place determined by the budget committee a budget committee meeting and pub-
33 lic hearing upon the proposed budget of the district. Notice of the bud-
34 get committee meeting and public hearing shall be posted at least ten (10)
35 full days prior to the date of said meeting in at least one (1) conspicuous
36 place in each public health district to be determined by the district board
37 of health. A copy of such notice shall also be published in the official
38 newspaper or a generally circulated newspaper of each county of such public
39 health district, in one (1) issue thereof, during such ten (10) day period.
40 The place, hour and day of such hearing shall be specified in said notice, as
41 well as the place where such budget may be examined prior to such hearing. A
42 summary of such proposed budget shall be published with and as a part of the
43 publication of such notice of hearing in substantially the form required by
44 section 31-1604, Idaho Code.

45 On or before the first Monday in July, a budget for the public health
46 district shall be agreed upon and approved by a majority of the budget com-

1 mittee. Such determination shall be binding upon all counties within the
 2 district and the district itself.

3 Nothing in this section shall prevent the chairman of a board of county
 4 commissioners from appointing a designee to represent him on the budget com-
 5 mittee if the chairman is unable to attend the budget committee meeting, pro-
 6 vided that the designee must be an elected county commissioner from the same
 7 county as the chairman of the board of county commissioners.

8 SECTION 8. That Chapter 4, Title 39, Idaho Code, be, and the same is
 9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 10 ignated as Section 39-424A, Idaho Code, and to read as follows:

11 39-424A. ADDITIONAL COUNTY AID TO DISTRICTS -- PROCEDURES. (1) Be-
 12 ginning on January 1, 2022, and each year thereafter, the various boards of
 13 county commissioners shall be responsible for providing additional annual
 14 aid to the public health districts. The amount of such additional county aid
 15 shall not be less than the amount appropriated to the various public health
 16 districts by the legislature for state fiscal year 2021.

17 (2) The manner of apportioning the additional aid from the various
 18 counties shall be calculated pursuant to section 39-424, Idaho Code, unless
 19 an alternative manner of apportioning the additional aid is agreed to by the
 20 budget committees of the various public health districts.

21 (3) Notwithstanding the provisions of section 31-863, Idaho Code, a
 22 county may use any fund balance accruing pursuant to chapter 35, title 31,
 23 Idaho Code, to fund the annual aid provided for in this section.

24 SECTION 9. That Section 39-425, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 39-425. GENERAL STATE AID TO DISTRICTS -- PROCEDURES. (1) Every year,
 27 the districts shall submit a request to the legislature for money to be used
 28 to match funds contributed by the counties pursuant to section 31-862, Idaho
 29 Code, for the maintenance and operation of district health departments.
 30 The matching amount to be included in the request shall be a minimum of
 31 sixty-seven percent (67%) of the amounts pledged by each county, as adopted
 32 as part of the budget for the health districts during the budget formula-
 33 tions, as provided for in section 39-423, Idaho Code. If the determined
 34 amount of participation by a county would exceed the amount which could be
 35 raised applying the maximum levy prescribed in section 31-862, Idaho Code,
 36 that county's participation shall be reduced to the maximum amount which can
 37 be raised thereby.

38 (2) The foregoing provision shall not limit the legislature from autho-
 39 rizing or granting additional funds for selected projects in excess of the
 40 percentage of participation of general aid granted all health districts.

41 (3) General state aid to the various health districts shall be made
 42 available from state appropriations, and shall be distributed in the follow-
 43 ing manner:

44 (a) The amount appropriated to the health districts shall be divided
 45 based upon the formula developed and administered by the board of
 46 trustees of the Idaho district boards of health.

1 (b) One half (1/2) of the amount appropriated shall be remitted to the
2 public health trust fund on or before July 15; and
3 (c) The remaining one half (1/2) of the amount appropriated shall be
4 remitted to the public health trust fund on or before January 15. The
5 legislature may authorize or grant additional funds to the various pub-
6 lic health districts for selected projects.

7 (42) The liability of the state of Idaho to the public health districts
8 and the public health district fund and its divisions is limited to:

9 (a) ~~The funds actually authorized and granted to the various public~~
10 ~~health districts as provided in subsection (1) of this section; and~~
11 (b) The funds actually authorized or granted to the various public
12 health districts as provided for in subsection (21) of this section; and
13 (eb) The funds due the various health districts in payment of legally
14 authorized contracts and agreements entered into between the depart-
15 ments of the state of Idaho and the various public health districts.

16 (5) ~~If revenues to the state treasury are insufficient to fully meet ap-~~
17 ~~propriations, and reductions in spending authority have been ordered pur-~~
18 ~~suant to law, the amount of moneys to match revenues contributed by the coun-~~
19 ~~ties, pursuant to section 39-423, Idaho Code, which has been appropriated~~
20 ~~pursuant to this section, shall be reduced by the same percentage rate as~~
21 ~~other general account appropriations.~~

22 SECTION 10. This act shall be in full force and effect on and after March
23 1, 2022.