

IN THE SENATE

SENATE BILL NO. 1031

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PUBLIC HEALTH DISTRICTS; AMENDING SECTION 39-414, IDAHO CODE,
2 TO REVISE PROVISIONS REGARDING POWERS AND DUTIES OF DISTRICT HEALTH
3 BOARDS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
4

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

6 SECTION 1. That Section 39-414, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 39-414. POWERS AND DUTIES OF DISTRICT BOARD. The district board of
9 health shall have and may exercise the following powers and duties:

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

12 (2) ~~To do all things required~~ take only actions specifically authorized
13 by state law that are necessary and reasonable for the preservation and
14 protection of the public health and preventive health and to. Preventative
15 health measures may be taken only in cases of a demonstrated immediate public
16 health risk supported by scientific evidence. The board shall not engage in
17 broad or arbitrary actions in the name of preventative health. Addition-
18 ally, the board may enter into agreements with the director of the state
19 department of health and welfare or the director of the department of envi-
20 ronmental quality to provide services or do such other things as specified
21 in the agreement, subject to the limitations described in this subsection.
22 An agreement entered pursuant to this subsection may be between either such
23 director and one (1) district or multiple districts. An order of a district
24 board of health will take effect immediately. However, notwithstanding
25 the provisions of this subsection, if an order applies to all persons in a
26 county or a public health district, the board of county commissioners within
27 each affected county, after consulting with the district board of health,
28 will determine by resolution whether or not to approve the order within
29 county limits within seven (7) days of the date of the order. If the board
30 of county commissioners approves the order, then the order will take effect
31 immediately for a period of thirty (30) days. Thereafter, the order may be
32 extended, amended, or modified and reimposed for thirty (30) day periods,
33 subject to approval by the board of county commissioners.

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

36 (4) To enter into contracts with any other governmental or public
37 agency whereby the district board agrees to render services to or for such
38 agency in exchange for a charge reasonably calculated to cover the cost of
39 rendering such service. This authority is to be limited to services vol-
40 untarily rendered and voluntarily received and shall not apply to services
41 required by statute, rule, and regulation or by standards promulgated pur-
42 suant to this chapter or chapter 1, title 39, Idaho Code.

1 (5) To deposit all moneys or payment received or collected by gift,
2 grant, devise, or any other way to the respective division or subaccount of
3 the public health district in the public health district fund authorized by
4 section 39-422, Idaho Code.

5 (6) To establish a fiscal control policy.

6 (7) To cooperate with the state board of health and welfare, the depart-
7 ment of health and welfare, the board of environmental quality, and the de-
8 partment of environmental quality.

9 (8) To enter into contracts with other governmental agencies, and this
10 chapter hereby authorizes such other agencies to enter into contracts with
11 the health district, as may be deemed necessary to fulfill the duties imposed
12 upon the district in providing for the health of the citizens within the dis-
13 trict.

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

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

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

24 (12) To enter into a lease of real or personal property as lessor or
25 lessee, or other transaction, with the Idaho health facilities authority for
26 a term not to exceed ninety-nine (99) years upon a determination by the dis-
27 trict board that the real or personal property to be leased is necessary for
28 the purposes of the district and to pledge nontax revenues of the district
29 to secure the district's obligations under such leases. For the purposes of
30 this chapter, a public health district is not a subdivision of the state and
31 shall be considered an independent body corporate and politic pursuant to
32 section 1, article VIII of the constitution of the state of Idaho and is not
33 authorized hereby to levy taxes or to obligate the state of Idaho concerning
34 such financing.

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

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

42 SECTION 2. An emergency existing therefor, which emergency is hereby
43 declared to exist, this act shall be in full force and effect on and after
44 July 1, 2025.