

IN THE SENATE

SENATE BILL NO. 1031, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

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

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

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

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

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

(2) ~~To do all things required for the preservation and protection of the
public health and preventive health and to undertake only those actions that
are necessary and reasonable for preserving and protecting public health and
preventive health as supported by scientific evidence. Additionally, the
board may enter into agreements with the director of the state department of
health and welfare or the director of the department of environmental qual-
ity to provide services or do such other things as specified in the agree-
ment, subject to the limitations described in this subsection.~~ An agree-
ment entered pursuant to this subsection may be between either such direc-
tor and one (1) district or multiple districts. An order of a district board
of health will take effect immediately. However, notwithstanding the pro-
visions 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 af-
fected county, after consulting with the district board of health, will de-
termine by resolution whether or not to approve the order within county lim-
its 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 immedi-
ately for a period of thirty (30) days. Thereafter, the order may be ex-
tended, amended, or modified and reimposed for thirty (30) day periods, sub-
ject to approval by the board of county commissioners.

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

(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 vol-
untarily rendered and voluntarily received and shall not apply to services
required by statute, rule, and regulation or by standards promulgated pur-
suant to this chapter or chapter 1, title 39, Idaho Code.

(5) To deposit all moneys or payment received or collected by gift,
grant, devise, or any other way to the respective division or subaccount of

1 the public health district in the public health district fund authorized by
2 section 39-422, Idaho Code.

3 (6) To establish a fiscal control policy.

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

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

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

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

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

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

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

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

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