

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 452

BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

AN ACT

1 RELATING TO PUBLIC HEALTH DISTRICTS; AMENDING SECTION 39-416, IDAHO CODE,  
2 TO REMOVE REFERENCE TO THE SUBMISSION OF STANDARDS TO THE DIRECTOR OF  
3 LEGISLATIVE SERVICES, TO REVISE PROVISIONS RELATED TO THE SUBMISSION  
4 OF RULES FOR REVIEW AND COMMENT, TO PROVIDE THAT CERTAIN RULES SHALL  
5 BE SUBMITTED TO THE STATE BOARD OF ENVIRONMENTAL QUALITY FOR REVIEW  
6 AND COMMENT AND CERTAIN RULES SHALL BE SUBMITTED TO THE STATE BOARD OF  
7 HEALTH AND WELFARE FOR REVIEW AND COMMENT, AND TO PROVIDE THAT THE STATE  
8 BOARD OF ENVIRONMENTAL QUALITY SHALL TAKE SPECIFIED ACTION ON CERTAIN  
9 RULES.  
10

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

12 SECTION 1. That Section 39-416, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 39-416. RULES ADOPTED BY DISTRICT BOARD -- PROCEDURE. (1) The district  
15 board by the affirmative vote of a majority of its members may adopt, amend or  
16 rescind rules and standards as it deems necessary to carry out the purposes  
17 and provisions of this act.

18 (2) Every rule or standard adopted, amended, or rescinded by the  
19 district board shall be done in a manner conforming to the provisions of  
20 chapter 52, title 67, Idaho Code.

21 (3) At the same time that proposed rules ~~and standards~~ are transmitted  
22 to the director of legislative services, they shall be submitted for review  
23 and comment to ~~the state board of health and welfare, and to~~ the board of  
24 county commissioners of each county within the public health district's  
25 jurisdiction. If the rules relate to environmental protection or programs  
26 administered by the department of environmental quality, the rules shall  
27 also be submitted for review and comment to the state board of environmental  
28 quality. All other rules that do not relate to environmental protection or  
29 programs administered by the department of environmental quality shall be  
30 submitted for review and comment to the state board of health and welfare.  
31 The state board of health and welfare, or the state board of environmental  
32 quality, shall, within seventy-five (75) days of receipt of a district  
33 board's proposed rules, disapprove of the adoption of the rules if, on the  
34 advice of the attorney general, such rules would be in conflict with state  
35 laws or rules. The state board of health and welfare, or the state board of  
36 environmental quality, shall immediately advise the district board as to the  
37 reason for the disapproval.

38 (4) This section does not apply to measures adopted for the internal  
39 operation of the district board or for federal programs where the  
40 regulations are established by the federal government but shall apply  
41 to all measures affecting the public at large or any identifiable segment  
42 thereof.