

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 667

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO PUBLIC HEALTH DISTRICTS; AMENDING SECTION 39-416, IDAHO CODE, TO
2 PROVIDE THAT CERTAIN RULES OF PUBLIC HEALTH DISTRICTS SHALL EXPIRE AT A
3 TIME CERTAIN, TO PROVIDE FOR CERTAIN PUBLIC HEALTH DISTRICT RULES TO BE
4 PROMULGATED THROUGH THE BOARD OF ENVIRONMENTAL QUALITY AND TO PROVIDE
5 LEGISLATIVE INTENT REGARDING CERTAIN STANDARDS.
6

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

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

10 39-416. RULES ADOPTED BY DISTRICT BOARD -- PROCEDURE. (1) The district
11 board by the affirmative vote of a majority of its members may adopt, amend or
12 rescind rules and standards as it deems necessary to carry out the purposes
13 and provisions of this act.

14 (2) Every rule or standard adopted, amended, or rescinded by the dis-
15 trict board shall be done in a manner conforming to the provisions of chapter
16 52, title 67, Idaho Code.

17 (3) At the same time that proposed rules and standards are transmit-
18 ted to the director of legislative services, they shall be submitted for
19 review and comment to the state board of health and welfare, and to the
20 board of county commissioners of each county within the public health dis-
21 trict's jurisdiction. The state board of health and welfare shall, within
22 seventy-five (75) days of receipt of a district board's proposed rules,
23 disapprove of the adoption of the rules if, on the advice of the attorney
24 general, such rules would be in conflict with state laws or rules. The state
25 board of health and welfare shall immediately advise the district board as to
26 the reason for the disapproval.

27 (4) This section does not apply to measures adopted for the internal op-
28 eration of the district board or for federal programs where the regulations
29 are established by the federal government but shall apply to all measures af-
30 fecting the public at large or any identifiable segment thereof.

31 (5) Notwithstanding the foregoing or any other provision of law, all
32 rules of public health districts relating to subsurface sewage systems,
33 wastewater treatment, sewage systems and water quality shall be null, void
34 and of no force and effect at the conclusion of the first regular session
35 of the sixty-first Idaho legislature. Thereafter public health districts
36 shall have the approval of the board of environmental quality to promulgate
37 rules relating to subsurface sewage systems, wastewater treatment, sewage
38 systems and water quality and such rules must be approved by adoption of a
39 concurrent resolution by both houses of the legislature or they shall expire
40 at the conclusion of a regular session of the legislature. It is the intent
41 of the legislature that standards and rules relating to subsurface sewage

1 systems, wastewater treatment, sewage systems and water quality be uniform
2 statewide.