

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 667, As Amended

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 THE PUBLIC HEALTH DISTRICTS BE SUBMITTED  
3 FOR REVIEW AND COMMENT BY THE STATE BOARD OF ENVIRONMENTAL QUALITY, TO  
4 PROVIDE THAT SUCH RULES EXPIRE AT THE END OF A REGULAR SESSION OF THE  
5 LEGISLATURE IF NOT APPROVED BY CONCURRENT RESOLUTION AND TO PROVIDE  
6 LEGISLATIVE INTENT REGARDING CERTAIN RULES; DECLARING CERTAIN RULES  
7 NULL, VOID AND OF NO FORCE AND EFFECT AT THE END OF THE SECOND REGULAR  
8 SESSION OF THE SIXTIETH IDAHO LEGISLATURE; AND DECLARING AN EMERGENCY.  
9

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

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

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

17 (2) Every rule or standard adopted, amended, or rescinded by the dis-  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

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

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

34 (5) Public health districts shall have all proposed rules regarding en-  
35 vironmental protection or programs administered by the department of envi-  
36 ronmental quality submitted for review and comment to the state board of en-  
37 vironmental quality and such rules must be approved by adoption of a concu-  
38 rent resolution by both houses of the legislature or such rules shall expire  
39 at the conclusion of a regular session of the legislature. It is the intent  
40 of the legislature that standards and rules relating to subsurface sewage  
41 systems, wastewater treatment, sewage systems and water quality be consis-  
42 tent statewide.

1           SECTION 2. That, having found that the following rules violate the  
2 legislative intent of the statute under which the rules were adopted, IDAPA  
3 41.01.01.901; IDAPA 41.01.01.100.02; and IDAPA 41.01.01.100.06 shall be  
4 null, void and of no force and effect at the conclusion of the Second Regular  
5 Session of the Sixtieth Idaho Legislature.

6           SECTION 3. An emergency existing therefor, which emergency is hereby  
7 declared to exist, this act shall be in full force and effect on and after its  
8 passage and approval.