

IN THE SENATE

SENATE BILL NO. 1060

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PUBLIC HEALTH DISTRICTS; AMENDING SECTION 39-414, IDAHO CODE,  
2 TO PROVIDE FOR THE APPROVAL AND EXTENSION OF CERTAIN ORDERS AND TO MAKE  
3 TECHNICAL CORRECTIONS; AND AMENDING SECTION 39-419, IDAHO CODE, TO PRO-  
4 VIDE FOR AN INFRACTION, TO REMOVE PROVISIONS REGARDING ASSOCIATIONS AND  
5 CORPORATIONS, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMER-  
6 GENCY.  
7

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

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

11 39-414. POWERS AND DUTIES OF DISTRICT BOARD. The district board of  
12 health shall have and may exercise the following powers and duties:

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

15 (2) To do all things required for the preservation and protection of the  
16 public health and preventive health, and such other things delegated by the  
17 director of the state department of health and welfare or the director of the  
18 department of environmental quality, and this shall be authority for the di-  
19 rector(s) to so delegate. An order of a district board of health will take  
20 effect immediately. However, notwithstanding the provisions of this sub-  
21 section, if an order applies to all persons in a county or a public health  
22 district, the board of county commissioners within each affected county, af-  
23 ter consulting with the district board of health, will determine by resolu-  
24 tion whether or not to approve the order within county limits within seven  
25 (7) days of the date of the order. If the board of county commissioners ap-  
26 proves the order, then the order will take effect immediately for a period of  
27 thirty (30) days. Thereafter, the order may be extended, amended, or mod-  
28 ified and reimposed for thirty (30) day periods, subject to approval by the  
29 board of county commissioners.

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

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

39 (5) To deposit aAll moneys or payment received or collected by gift,  
40 grant, devise, or any other way ~~shall be deposited~~ to the respective divi-  
41 sion or subaccount of the public health district in the public health dis-  
42 trict fund authorized by section 39-422, Idaho Code.

1 (6) To establish a fiscal control policy required by the state con-  
2 troller.

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

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

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

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

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

21 (12) To enter into a lease of real or personal property as lessor or  
22 lessee, or other transaction, with the Idaho health facilities authority for  
23 a term not to exceed ninety-nine (99) years upon a determination by the dis-  
24 trict board that the real or personal property to be leased is necessary for  
25 the purposes of the district, and to pledge nontax revenues of the district  
26 to secure the district's obligations under such leases. For the purposes of  
27 this chapter, a public health district is not a subdivision of the state and  
28 shall be considered an independent body corporate and politic pursuant to  
29 section 1, article VIII, of the constitution of the state of Idaho, and is not  
30 authorized hereby to levy taxes nor to obligate the state of Idaho concerning  
31 such financing.

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

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

39 SECTION 2. That Section 39-419, Idaho Code, be, and the same is hereby  
40 amended to read as follows:

41 39-419. VIOLATION OF PUBLIC HEALTH LAWS -- MISDEMEANOR -- CIVIL LIA-  
42 BILITY FOR EXPENSE -- INFRACTION. (1) It shall be unlawful for any person,  
43 ~~association, or corporation, and the officers thereof~~ to willfully violate,  
44 disobey, or disregard the provisions of the public health laws or the terms  
45 of any lawful notice, order, standard, rule, regulation, or ordinance issued  
46 pursuant thereto; ~~or.~~

47 (2) Any person, ~~association, or corporation, or the officers thereof,~~  
48 violating any of the provisions of this chapter shall be deemed guilty of a  
49 misdemeanor, and upon conviction thereof shall be punished by a fine not ex-

1 ceeding three hundred dollars (\$300), or by imprisonment in the county jail  
2 for a term not exceeding six (6) months, or by both such fine and impris-  
3 onment. In addition to fine and imprisonment, any person, ~~association or~~  
4 ~~corporation, or the officers thereof,~~ found to be in violation of this ~~act~~  
5 chapter or the rules promulgated thereunder shall be liable for any expense  
6 incurred by the district board of health in enforcing this ~~act~~ chapter, or in  
7 removing or terminating any nuisance, source of filth, cause of sickness, or  
8 health hazard. Conviction under the penalty provisions of this ~~act~~ chapter  
9 or any other health law or rules promulgated thereunder shall not relieve any  
10 person from any civil action in damages that may exist for any injury result-  
11 ing from any violation of the public health laws or rules promulgated by the  
12 district board of health.

13 (3) A violator of any law or rule within the jurisdiction of the dis-  
14 trict shall be liable in an amount not in excess of the limits prescribed in  
15 section 39-108, Idaho Code. The district board may seek recovery by commenc-  
16 ing an action in the district court of the county wherein the violation oc-  
17 curred. Amounts recovered shall be deposited as required by the provisions  
18 of section 39-414(5), Idaho Code.

19 (4) Notwithstanding the provisions of subsection (2) of this section,  
20 if an order is applicable to all persons in a county or a public health dis-  
21 trict, then a person who willfully violates such order is guilty of an in-  
22 fraction punishable by a fine of fifty dollars (\$50.00). No court costs or  
23 fees apply to such infraction.

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