

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 392

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO HEALTH DISTRICTS; AMENDING SECTION 39-414, IDAHO CODE, TO REVISE  
2 PROVISIONS REGARDING POWERS AND DUTIES OF THE DISTRICT BOARD OF HEALTH  
3 AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PRO-  
4 VIDING AN EFFECTIVE DATE.  
5

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

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

9 39-414. POWERS AND DUTIES OF DISTRICT BOARD. The district board of  
10 health shall have and may exercise the following powers and duties:

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

13 (2) To do all necessary and reasonable things required for the preser-  
14 vation and protection of the public health ~~and preventive health~~ and to enter  
15 into agreements with the director of the state department of health and wel-  
16 fare or the director of the department of environmental quality to provide  
17 services or do such other things as specified in the agreement. An agree-  
18 ment entered pursuant to this subsection may be between either such direc-  
19 tor and one (1) district or multiple districts. An order of a district board  
20 of health will take effect immediately. However, notwithstanding the pro-  
21 visions of this subsection, if an order applies to all persons in a county or  
22 a public health district, the board of county commissioners within each af-  
23 fected county, after consulting with the district board of health, will de-  
24 termine by resolution whether or not to approve the order within county lim-  
25 its within seven (7) days of the date of the order. If the board of county  
26 commissioners approves the order, then the order will take effect immedi-  
27 ately for a period of thirty (30) days. Thereafter, the order may be ex-  
28 tended, amended, or modified and reimposed for thirty (30) day periods, sub-  
29 ject to approval by the 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 regulation or by standards promulgated pur-  
38 suant to this chapter or chapter 1, title 39, Idaho Code.

39 (5) To deposit all moneys or payment received or collected by gift,  
40 grant, devise, or any other way to the respective division or subaccount of  
41 the public health district in the public health district fund authorized by  
42 section 39-422, Idaho Code.

1 (6) To establish a fiscal control policy.

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

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

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

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

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

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

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

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

38 SECTION 2. An emergency existing therefor, which emergency is hereby  
39 declared to exist, this act shall be in full force and effect on and after  
40 July 1, 2024.