

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 202

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO HEALTH AND WELFARE; AMENDING SECTION 20-503, IDAHO CODE, TO RE-
2 MOVE OBSOLETE LANGUAGE; AMENDING SECTION 20-704, IDAHO CODE, TO REVISE
3 PROVISIONS REGARDING HEARINGS; AMENDING SECTION 22-113, IDAHO CODE,
4 TO REVISE PROVISIONS REGARDING REGULATIONS FOR HUMAN FOOD PROCESSING;
5 AMENDING SECTION 22-5407, IDAHO CODE, TO REVISE PROVISIONS REGARDING
6 STOP SALE AND HOLD AUTHORITY; AMENDING SECTION 39-102A, IDAHO CODE, TO
7 REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 39-105, IDAHO CODE, TO RE-
8 VISE PROVISIONS REGARDING POWERS AND DUTIES OF THE DIRECTOR; AMENDING
9 SECTION 39-106, IDAHO CODE, TO REMOVE PROVISIONS REGARDING TRANSFER AND
10 CONTINUATION OF RULES AND OTHER PROCEEDINGS; AMENDING SECTION 39-107,
11 IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE BOARD OF ENVIRONMENTAL
12 QUALITY; AMENDING SECTION 39-107D, IDAHO CODE, TO PROVIDE A CORRECT
13 CODE REFERENCE; REPEALING SECTION 39-113, IDAHO CODE, RELATING TO
14 TRANSFER OF EMPLOYEES; AMENDING SECTION 39-3623, IDAHO CODE, TO REVISE
15 PROVISIONS REGARDING EFFECT OF RULES; AMENDING SECTION 42-1734B, IDAHO
16 CODE, TO REVISE PROVISIONS REGARDING BOARD PROCEDURES FOR ADOPTING A
17 COMPREHENSIVE STATE WATER PLAN; AMENDING SECTION 54-2602, IDAHO CODE,
18 TO REVISE PROVISIONS REGARDING EXCEPTIONS; AMENDING SECTION 54-3307,
19 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE BOARD OF DENTURITRY;
20 AMENDING SECTION 54-5002, IDAHO CODE, TO REVISE PROVISIONS REGARDING
21 EXCEPTIONS; AMENDING SECTION 56-1003, IDAHO CODE, TO REVISE PROVISIONS
22 REGARDING THE POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF
23 HEALTH AND WELFARE; AMENDING SECTION 63-602P, IDAHO CODE, TO REVISE
24 PROVISIONS REGARDING PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION
25 63-1309, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN BOND ELEC-
26 TIONS AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND
27 PROVIDING AN EFFECTIVE DATE.
28

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

30 SECTION 1. That Section 20-503, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 20-503. DEPARTMENT OF JUVENILE CORRECTIONS CREATED -- APPOINTMENT OF
33 DIRECTOR -- POWERS AND DUTIES OF DEPARTMENT. (1) The department of juvenile
34 corrections is hereby created. The department shall, for the purposes of
35 section 20, article IV, of the constitution of the state of Idaho, be an exec-
36 utive department of the state government.

37 (2) The department shall be under the control and supervision of a di-
38 rector, who shall be appointed by the governor, with the advice and consent
39 of the senate. The director shall exercise all of the powers and duties nec-
40 essary to carry out the proper administration of the department and may dele-
41 gate duties to employees and officers of the department. The director shall
42 have the authority to employ an attorney or attorneys to provide legal ser-

1 vices to the department and such managers, assistants, clerical staff and
 2 other employees necessary to the proper functioning and administration of
 3 the department.

4 (3) The department of juvenile corrections shall be composed of such
 5 administrative units as may be established by the director for the proper and
 6 efficient administration of the powers and duties assigned to the director
 7 or the department. The director shall appoint an administrator for each ad-
 8 ministrative unit within the department.

9 (4) The director shall have full power and authority to do all things
 10 necessary to establish and provide for the administration and operation of
 11 the department of juvenile corrections ~~and to accomplish an orderly transi-~~
 12 ~~tion to the department of juvenile corrections and the counties of the duties~~
 13 ~~and responsibilities for juvenile offenders and the juvenile justice system~~
 14 ~~being performed by the department of health and welfare. It is intended that~~
 15 ~~the director and staff of the department of health and welfare work coopera-~~
 16 ~~tively with the director and staff of the department of juvenile corrections~~
 17 ~~and the counties in this effort, while continuing with their duties to juve-~~
 18 ~~nile offenders in the custody of the department of health and welfare until~~
 19 ~~the official transfer of such duties to the department of juvenile correc-~~
 20 ~~tions and the counties on October 1, 1995.~~

21 SECTION 2. That Section 20-704, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 20-704. HEARINGS. The board of correction, ~~the state board of health~~
 24 ~~and welfare and/or~~ or such other agency or officer designated for such pur-
 25 pose by the governor, ~~are~~ is hereby authorized and directed to hold such
 26 hearings within or without the state of Idaho as may be requested by any other
 27 party state pursuant to Article IV(f) of the Interstate Corrections Compact.

28 SECTION 3. That Section 22-113, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 22-113. UNITED STATES FOOD AND DRUG ADMINISTRATION FOOD SAFETY MOD-
 31 ERNIZATION ACT -- REGULATIONS FOR HUMAN FOOD PROCESSING. The Idaho legisla-
 32 ture hereby directs that the Idaho state department of agriculture shall be
 33 the contracting agency for inspections in the state of Idaho that are con-
 34 tracted by the United States food and drug administration for the inspec-
 35 tion of nonretail activities subject to registration under section 415 of
 36 the federal food, drug and cosmetic act. Any existing contracts and con-
 37 tracting authority shall transition to the Idaho state department of agri-
 38 culture by September 29, 2021. Processors conducting nonretail activities
 39 and not subject to registration under section 415 of the federal food, drug
 40 and cosmetic act shall not be subject to regulation by the Idaho state de-
 41 partment of agriculture pursuant to the provisions of this section. Prior
 42 to the Idaho state department of agriculture engaging in the regulation of
 43 any activities pursuant to the provisions of this section, the Idaho state
 44 department of agriculture, ~~in consultation and cooperation with the depart-~~
 45 ~~ment of health and welfare,~~ shall conduct negotiated rulemaking to provide
 46 for the implementation of such regulation.

1 SECTION 4. That Section 22-5407, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 22-5407. ~~COORDINATION WITH DEPARTMENT OF HEALTH AND WELFARE. STOP~~
4 ~~SALE AND HOLD AUTHORITY.~~ (1) ~~In the event the department of health and wel-~~
5 ~~fare or the~~ The Idaho state department of agriculture may issue and enforce a
6 stop sale, use, or removal order to the distributor, owner, or custodian of
7 produce that it finds or has probable cause to believe that any produce:

8 (a) Is adulterated within the meaning of chapter 1, title 37, Idaho
9 Code;

10 (b) Is so misbranded as to be dangerous or fraudulent within the meaning
11 of chapter 1, title 37, Idaho Code;

12 (c) Is unsound;

13 (d) Contains any filthy, decomposed or putrid substance;

14 (e) May be poisonous or deleterious to health or otherwise unsafe; or

15 (f) Is offered or exposed for sale or held in possession with intent to
16 distribute or sell, or is intended for distribution or sale in violation
17 of any provision of chapter 1, title 37, Idaho Code, or the provisions of
18 this chapter.

19 (2) ~~In the event the Idaho state department of agriculture finds that~~
20 ~~produce is~~ The department may hold or order to be held any produce found to
21 be in violation of the provisions of this chapter or rules promulgated under
22 this chapter, the department may issue and enforce a stop sale, use or re-
23 moval order to the distributor, owner or custodian of the produce and hold
24 the produce, or order it held, at a designated place until the law has been
25 complied with and the produce is released in writing by the department, or
26 the violation has been otherwise legally disposed of by written authority.
27 Any person adversely affected by the department's determination may seek
28 remedies as prescribed under the provisions of chapter 52, title 67, Idaho
29 Code.

30 SECTION 5. That Section 39-102A, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 39-102A. LEGISLATIVE INTENT IN CREATING DEPARTMENT OF ENVIRONMENTAL
33 QUALITY. The legislature finds and declares that:

34 (1) The creation and establishment of the department of environmental
35 quality to protect human health and the environment as its sole mission is in
36 the public's interest;

37 ~~(2) That all existing, but no new rights, powers, duties, budgets,~~
38 ~~funds, contracts, rulemaking proceedings, administrative proceedings, con-~~
39 ~~tested cases, civil actions, and other matters relating to environmental~~
40 ~~protection as described in this chapter, vested in the director of the de-~~
41 ~~partment of health and welfare and the board of health and welfare on January~~
42 ~~1, 2000, shall be transferred to the board of environmental quality, the~~
43 ~~department of environmental quality and its director as described herein~~
44 ~~effective July 1, 2000;~~

45 ~~(3)~~ (2) That protecting environmental values including, but not lim-
46 ited to, clean air, water and soil, reducing or eliminating environmental
47 pollution arising from human activities, ensuring the proper treatment,
48 storage and disposal of hazardous wastes and ensuring the proper cleanup and

1 restoration of existing natural resources are vital interests of the state
2 of Idaho;

3 ~~(4)~~ (3) That it is in the interest of the state and its citizens to es-
4 tablish a department of environmental quality to carry out programs to pro-
5 tect human health and the environment, to enforce environmental laws and de-
6 velop pollution prevention, compliance assistance and other environmental
7 incentive programs;

8 ~~(5)~~ (4) That the goals to protect human health and the environment can
9 be best achieved by vesting responsibility for environmental protection as
10 specified herein in a state department which has as its sole mission, protec-
11 tion for human health and the environment for the state of Idaho and its resi-
12 dents; and

13 ~~(6)~~ (5) The legislature further intends that environmental quality
14 programs be promulgated and managed such that the benefits of pollution
15 control measures have a reasonable relationship to the public health costs,
16 private property rights, environmental, economic and energy impacts of such
17 measures, provided that this section does not require the preparation of any
18 economic, environmental or other statement.;

19 ~~(7) That the department of environmental quality shall utilize the des-~~
20 ~~ignated program appropriations made to the department of health and welfare~~
21 ~~for environmental program functions, the division of environmental quality~~
22 ~~and the INEEL oversight program for fiscal year 2001.~~

23 SECTION 6. That Section 39-105, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 39-105. POWERS AND DUTIES OF THE DIRECTOR. The director shall have the
26 following powers and duties:

27 (1) All of the rights, powers and duties regarding environmental pro-
28 tection functions ~~vested in the department of health and welfare, and its~~
29 ~~director, administered by the division of environmental quality,~~ including
30 but not limited to those provided by chapters 1, 4, 30, 36, 44, 58, 65, 66, 70,
31 71, 72 and 74, title 39, Idaho Code. The director shall have all such powers
32 and duties as described in this section as may have been or could have been
33 exercised by his predecessors in law and shall be the successor in law to all
34 contractual obligations entered into by predecessors in law. All hearings
35 of the director shall be governed by the provisions of chapter 52, title 67,
36 Idaho Code.

37 (2) The director shall, pursuant and subject to the provisions of the
38 Idaho Code and the provisions of this act, formulate and recommend to the
39 board rules as may be necessary to deal with problems related to water pollu-
40 tion, air pollution, solid waste disposal, and licensure and certification
41 requirements pertinent thereto, which shall, upon adoption by the board,
42 have the force of law relating to any purpose ~~which~~ that may be necessary and
43 feasible for enforcing the provisions of this act, including but not limited
44 to the prevention, control or abatement of environmental pollution or degra-
45 dation including radionuclides and risks to public health related to any of
46 the powers and duties described in this section. Any such rule may be of gen-
47 eral application throughout the state or may be limited as to times, places,
48 circumstances or conditions in order to make due allowance for variations
49 therein.

1 (3) The director, under the rules adopted by the board, shall have the
2 general supervision of the promotion and protection of the environment of
3 this state. The powers and duties of the director shall include but not be
4 limited to the following:

5 (a) The issuance of licenses and permits as prescribed by law and by the
6 rules of the board promulgated hereunder. For each air quality oper-
7 ating permit issued under title V of the federal clean air act and its
8 implementing regulations, the director shall, consistent with the fed-
9 eral clean air act and its implementing regulations, expressly include
10 a provision stating that compliance with the conditions of the permit
11 shall be deemed compliance with the applicable requirements of the fed-
12 eral clean air act and the title V implementing regulations. The di-
13 rector may develop and issue general permits covering numerous similar
14 sources, as authorized by 40 CFR 70.6(d), as amended, and as appropri-
15 ate.

16 (b) The enforcement of rules relating to public water supplies and
17 administration of the drinking water loan fund pursuant to chapter 76,
18 title 39, Idaho Code, including making loans to eligible public drink-
19 ing water systems as defined in the federal safe drinking water act, as
20 amended, and to comply with all requirements of the act, 42 U.S.C. 300f
21 et seq., and regulations promulgated pursuant to the act. This includes
22 but is not limited to: the development of and implementation of a capac-
23 ity development strategy to ensure public drinking water systems have
24 the technical, managerial and financial capability to comply with the
25 national primary drinking water regulations; and the enhancement of
26 protection of source waters for public drinking water systems.

27 (c) The establishment of liaison with other governmental departments,
28 agencies and boards in order to effectively assist other governmental
29 entities with planning for the control of or abatement of environmental
30 pollution. All of the rules adopted by the board hereunder shall apply
31 to state institutions.

32 (d) The supervision and administration of a system to safeguard air
33 quality and to limit and control the emission of air contaminants.

34 (e) The supervision and administration of a system to safeguard the
35 quality of the waters of this state, including but not limited to the en-
36 forcement of rules relating to the discharge of effluent into the waters
37 of this state and the storage, handling and transportation of solids,
38 liquids, and gases that may cause or contribute to water pollution. For
39 purposes of complying with the clean water act, the director may provide
40 an exemption from additional reductions for those nonpoint sources that
41 meet the applicable reductions set forth in an approved TMDL as defined
42 in chapter 36, title 39, Idaho Code.

43 (f) The supervision and administration of administrative units whose
44 responsibility shall be to assist and encourage counties, cities, other
45 governmental units, and industries in the control and abatement of en-
46 vironmental pollution.

47 (g) The administration of solid waste disposal site and design review
48 in accordance with the provisions of chapters 4 and 74, title 39, Idaho
49 Code, and in particular as follows:

1 (i) The issuance of a solid waste disposal site certificate in the
2 manner provided in chapter 74, title 39, Idaho Code.

3 (ii) ~~Provide~~ Providing review and approval regarding the design
4 of solid waste disposal facilities and ground water monitoring
5 systems and approval of all applications for flexible standards
6 as provided in 40 CFR 258, in accordance with the provisions of
7 chapter 74, title 39, Idaho Code.

8 (iii) Cooperating and coordinating with operational monitoring
9 of solid waste disposal sites by district health departments pur-
10 suant to authority established in chapters 4 and 74, title 39,
11 Idaho Code.

12 ~~(iv) The authority granted to the director pursuant to provisions~~
13 ~~of this subsection shall be effective upon enactment of chapter~~
14 ~~74, title 39, Idaho Code, by the legislature.~~

15 ~~(v) (iv) The authority to develop and propose~~ Developing and
16 proposing rules as necessary to supplement details of compliance
17 with the solid waste facilities act and applicable federal regu-
18 lations, provided that such regulations shall not conflict with
19 the provisions of this act or be more strict than the requirements
20 established in federal law or in the solid waste facilities act.

21 (h) The establishment, administration and operation of:

22 (i) A network of environmental monitoring stations, independent
23 of the United States department of energy, within and around the
24 facilities of the Idaho national laboratory to provide authorita-
25 tive auditing and analysis of emissions, discharges or releases of
26 pollutants to the environment, including the air, water and soil
27 from such facilities; and

28 (ii) Programs within the department to utilize the data obtained
29 from such monitoring, and any other relevant data, in the enforce-
30 ment of applicable agreements, statutes and rules pertaining to
31 such facilities and programs to review, analyze and participate in
32 remedial decisions and other proposed actions and projects to en-
33 sure the protection of public health and the environment.

34 The director shall also monitor the implementation of agreements between the
35 United States and the state of Idaho related to the operation and environ-
36 mental protection obligations of the Idaho national laboratory and provide
37 periodic information to the governor, the attorney general, the legislature
38 and the people of Idaho concerning compliance with such agreements and obli-
39 gations. The director shall have the power to enter into agreements with the
40 United States department of energy in order to carry out the duties and au-
41 thorities provided in this subsection.

42 (i) The enforcement of all laws, rules, regulations, codes and stan-
43 dards relating to environmental protection and health.

44 (j) The enhancement and protection of source waters of the state pur-
45 suant to rules of the board.

46 (4) The director, when so designated by the governor, shall have the
47 power to apply for, receive on behalf of the state, and utilize any federal
48 aid, grants, gifts, gratuities, or moneys made available through the federal
49 government, including but not limited to the federal water pollution control

1 act, for use in or by the state of Idaho in relation to health and environmen-
2 tal protection.

3 (5) (a) The director shall have the power to enter into and make con-
4 tracts and agreements with any public agencies or municipal corpora-
5 tions for facilities, land, and equipment when such use will have a
6 beneficial or recreational effect or be in the best interest in carrying
7 out the duties imposed ~~upon~~ on the department.

8 (b) The director shall also have the power to enter into contracts for
9 the expenditure of state matching funds for local purposes. This sub-
10 section will constitute the authority for public agencies or municipal
11 corporations to enter into such contracts and expend money for the pur-
12 poses delineated in such contracts.

13 (c) The director shall also have the power to enter into and make vol-
14 untary contracts and agreements with public agencies, municipal corpo-
15 rations, and private parties for funding or reimbursement of staff and
16 consultant costs necessary for the director to discharge his duties as
17 provided by state statute and administrative rule. Such contracts and
18 agreements shall be limited to a five (5) year term, however they can be
19 renewed upon agreement of all parties. Moneys received through these
20 contracts and agreements shall be expended pursuant to appropriation.

21 (6) The director is authorized to adopt an official seal to be used on
22 appropriate occasions, in connection with the functions of the department or
23 the board, and such seal shall be judicially noticed. Copies of any books,
24 records, papers or other documents in the department shall be admitted in
25 evidence equally with the originals thereof when authenticated under such
26 seal.

27 SECTION 7. That Section 39-106, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 39-106. DIRECTOR -- ADDITIONAL POWERS AND DUTIES ~~--- TRANSFER AND CON-~~
30 ~~TINUATION OF RULES AND OTHER PROCEEDINGS.~~ (1) The director shall ~~exercise~~
31 ~~the following powers and duties,~~ in addition to all other powers and duties
32 inherent in the position:

33 ~~(a) (1)~~ (1) Prescribe such policies and procedures as may be necessary for
34 the administration of the department, the conduct and duties of the employ-
35 ees, the orderly and efficient management of department business, and the
36 custody, use and preservation of department records, papers, books and prop-
37 erty belonging to the state;i

38 ~~(b) (2)~~ (2) Employ such personnel as may be deemed necessary, prescribe
39 their duties and fix their compensation within the limits provided by the
40 state personnel system law;i

41 ~~(c) (3)~~ (3) Administer oaths for all purposes required in the discharge of
42 his duties;i

43 ~~(d) (4)~~ (4) Prescribe the qualifications of all personnel of the department
44 on a nonpartisan merit basis, in accordance with the Idaho personnel system
45 law, provided, however, that the administrators in charge of any division of
46 the department shall serve at the pleasure of the director;i and

47 ~~(e) (5)~~ (5) Create such units, sections and subdivisions as are or may be
48 necessary for the proper and efficient functioning of the department.

1 ~~(2) All books, records, papers, documents, property, real and per-~~
2 ~~sonal, unexpended appropriations and pending business in any way pertaining~~
3 ~~to the rights, powers and duties regarding environmental protection func-~~
4 ~~tions vested in the department of health and welfare and its director,~~
5 ~~administered by the division of environmental quality, are transferred to~~
6 ~~and vested in the department and its director. The department established~~
7 ~~by this act is empowered to acquire, by purchase or exchange, any property~~
8 ~~which in the judgment of the department is needful for the operation of the~~
9 ~~facilities and programs for which it is responsible and to dispose of, by~~
10 ~~sale or exchange, any property which in the judgment of the department is not~~
11 ~~needful for the operation of the same.~~

12 ~~(3) All rules, standards, plans, licenses, permits, consent orders,~~
13 ~~compliance schedules, certification, and other agreements pertaining to~~
14 ~~environmental protection functions administered by the division of envi-~~
15 ~~ronmental quality heretofore adopted or issued by the department of health~~
16 ~~and welfare and its director are transferred to the department of environ-~~
17 ~~mental quality and shall remain in full force and effect until superseded.~~
18 ~~The terms "department" and "director" in such documents shall mean the de-~~
19 ~~partment of environmental quality and its director, until such documents are~~
20 ~~amended.~~

21 ~~(4) The department of environmental quality and its director shall be~~
22 ~~the successor to all rights, powers and duties of the department of health~~
23 ~~and welfare and its director regarding all rulemaking proceedings, admin-~~
24 ~~istrative proceedings, contested cases, civil actions, contracts, delega-~~
25 ~~tions, authorizations and other matters pertaining to environmental protec-~~
26 ~~tion functions.~~

27 SECTION 8. That Section 39-107, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 39-107. BOARD -- COMPOSITION -- OFFICERS -- COMPENSATION -- POWERS --
30 SUBPOENA -- DEPOSITIONS -- REVIEW -- RULES.

31 (1) (a) The board of environmental quality shall consist of seven (7)
32 members who shall be appointed by the governor, with the advice and con-
33 sent of the senate. The members shall serve at the pleasure of the gov-
34 ernor. Each member of the board shall be a citizen of the United States,
35 a resident of the state of Idaho, and a qualified elector and shall be
36 appointed to assure appropriate geographic representation of the state
37 of Idaho. Not more than four (4) members of the board shall be from any
38 one (1) political party. Two (2) members of the board shall be chosen
39 with due regard to their knowledge of and interest in solid waste; two
40 (2) members shall be chosen for their knowledge of and interest in air
41 quality; two (2) members shall be chosen for their knowledge of and in-
42 terest in water quality; and one (1) member shall be chosen with due re-
43 gard for his knowledge of and interest in air, water and solid waste is-
44 sues. At least four (4) of the board members shall represent the pub-
45 lic's interest and not derive any significant portion of their income
46 from persons subject to air quality permits or enforcement orders.

47 (b) The members of the board of environmental quality shall be ap-
48 pointed for a term of four (4) years. In appointing members whose terms
49 begin in 2000, the governor shall designate three (3) members to be ap-

1 pointed for a term of three (3) years, two (2) members appointed for a
2 term of four (4) years, and two (2) members appointed for a term of two
3 (2) years. Successors to the members appointed for a term of less than
4 four (4) years shall be appointed for a term of four (4) years there-
5 after.

6 (2) The board annually shall elect a chairman, a vice chairman, and a
7 secretary and shall hold such meetings as may be necessary for the orderly
8 conduct of its business, and such meetings shall be held from time to time on
9 seventy-two (72) hours' notice of the chairman or a majority of the members.
10 Five (5) members shall be necessary to constitute a quorum at any regular or
11 special meeting, and the action of the majority of members present shall be
12 the action of the board. The members of the board shall be compensated as
13 provided in section 59-509(h), Idaho Code.

14 (3) The board, in furtherance of its duties under this act and under its
15 rules, shall have the power to administer oaths, certify to official acts,
16 and to issue subpoenas for the attendance of witnesses and the production of
17 papers, books, accounts, documents and testimony. The board may, if a wit-
18 ness refuses to attend or testify or to produce any papers required by such
19 subpoenas, report to the district court in and for the county in which the
20 proceeding is pending, by petition, setting forth that due notice has been
21 given of the time and place of attendance of said witnesses or the produc-
22 tion of said papers, that the witness has been properly summoned, and that
23 the witness has failed and refused to attend or produce the papers required
24 by this subpoena before the board or has refused to answer questions pro-
25 pounded to him in the course of said proceedings, and ask an order of said
26 court compelling the witness to attend and testify and produce said papers
27 before the board. The court, upon the petition of the board, shall enter an
28 order directing the witness to appear before the court at a time and place to
29 be fixed by the court in such order, the time to be not more than ten (10) days
30 from the date of the order, and then and there shall show cause why he has not
31 attended and testified or produced said papers before the board. A copy of
32 said order shall be served upon said witness. If it shall appear to the court
33 that said subpoena was regularly issued by the board and regularly served,
34 the court shall thereupon order that said witness appear before the board at
35 the time and place fixed in said order and testify or produce the required pa-
36 pers. Upon failure to obey said order, said witness shall be dealt with for
37 contempt of court.

38 (4) The director, his designee, or any party to the action may, in an in-
39 vestigation or hearing before the board, cause the deposition or interroga-
40 tory of witnesses or parties residing within or without the state to be taken
41 in the manner prescribed by law for like depositions and interrogatories in
42 civil actions in the district court of this state and to that end may compel
43 the attendance of said witnesses and production of books, documents, papers
44 and accounts.

45 (5) Any person aggrieved by an action or inaction of the department
46 shall be afforded an opportunity for a fair hearing upon request therefor
47 in writing pursuant to chapter 52, title 67, Idaho Code, and the rules pro-
48 mulgated thereunder. In those cases where the board has been granted the
49 authority to hold such a hearing pursuant to a provision of the Idaho Code,
50 the hearing may be conducted by the board at a regular or special meeting,

1 or the board may designate hearing officers, who shall have the power and
 2 authority to conduct hearings in the name of the board at any time and place.
 3 In any hearing, a member of the board or a hearing officer designated by it
 4 shall have the power to administer oaths, examine witnesses, and issue in
 5 the name of the board subpoenas requiring the testimony of witnesses and the
 6 production of evidence relevant to any matter in the hearing.

7 (6) Any person adversely affected by a final determination of the board
 8 may secure judicial review by filing a petition for review as prescribed un-
 9 der the provisions of chapter 52, title 67, Idaho Code. The petition for re-
 10 view shall be served upon the chairman of the board, the director of the de-
 11 partment, and upon the attorney general of the state of Idaho. Such service
 12 shall be jurisdictional and the provisions of this section shall be the ex-
 13 clusive procedure for appeal.

14 (7) The board, by the affirmative vote of four (4) of its members, may
 15 adopt, amend or repeal the rules, codes, and standards of the department that
 16 are necessary and feasible in order to carry out the purposes and provisions
 17 of this act and to enforce the laws of this state. The rules and orders so
 18 adopted and established shall have the force and effect of law and may deal
 19 with any matters deemed necessary and feasible for protecting the environ-
 20 ment of the state.

21 (8) All rulemaking proceedings and hearings of the board shall be gov-
 22 erned by the provisions of chapter 52, title 67, Idaho Code.

23 (9) The board shall adopt contested case rules consistent with the
 24 rules adopted by the attorney general under section 67-5206(1), Idaho Code,
 25 the provisions of this act and other statutory authority of the department.

26 ~~(10) All rules, permits and other actions heretofore adopted, issued~~
 27 ~~or taken by the board of health and welfare pertaining to the environmental~~
 28 ~~protection functions administered by the division of environmental quality~~
 29 ~~shall remain in full force and effect until superseded.~~

30 ~~(11) The board of environmental quality shall be the successor to all~~
 31 ~~rights, powers and duties of the board of health and welfare regarding all~~
 32 ~~rulemaking proceedings, administrative proceedings, contested cases, civil~~
 33 ~~actions, contracts, delegations, authority and other matters pertaining to~~
 34 ~~environmental protection functions administered by the division of environ-~~
 35 ~~mental quality.~~

36 ~~(12) Upon creation of the board of environmental quality, all pending~~
 37 ~~business before the board of health and welfare relating to environmental~~
 38 ~~protection functions administered by the division of environmental quality~~
 39 ~~shall be transferred to and determined by the board of environmental qual-~~
 40 ~~ity.~~

41 SECTION 9. That Section 39-107D, Idaho Code, be, and the same is hereby
 42 amended to read as follows:

43 39-107D. RULES OF DEPARTMENT OR BOARD. (1) The legislature directs
 44 that any rule formulated and recommended by the department to the board which
 45 is broader in scope or more stringent than federal law or regulations, or
 46 proposes to regulate an activity not regulated by the federal government, is
 47 subject to the following additional requirements: the notice of proposed
 48 rulemaking and rulemaking record requirements under chapter 52, title 67,
 49 Idaho Code, must clearly specify that the proposed rule, or portions of the

1 proposed rule, are broader in scope or more stringent than federal law or
2 regulations, or regulate an activity not regulated by the federal govern-
3 ment, and delineate which portions of the proposed rule are broader in scope
4 or more stringent than federal law or regulations, or regulate an activity
5 not regulated by the federal government.

6 (2) To the degree that a department action is based on science, in
7 proposing any rule or portions of any rule subject to this section, the de-
8 partment shall utilize:

9 (a) The best available peer reviewed science and supporting studies
10 conducted in accordance with sound and objective scientific practices;
11 and

12 (b) Data collected by accepted methods or best available methods if the
13 reliability of the method and the nature of the decision justify use of
14 the data.

15 (3) Any proposed rule subject to this section which proposes a standard
16 necessary to protect human health and the environment shall also include in
17 the rulemaking record requirements under chapter 52, title 67, Idaho Code,
18 the following additional information:

19 (a) Identification of each population or receptor addressed by an esti-
20 mate of public health effects or environmental effects; and

21 (b) Identification of the expected risk or central estimate of risk for
22 the specific population or receptor; and

23 (c) Identification of each appropriate upper bound or lower bound esti-
24 mate of risk; and

25 (d) Identification of each significant uncertainty identified in the
26 process of the assessment of public health effects or environmental ef-
27 fects and any studies that would assist in resolving the uncertainty;
28 and

29 (e) Identification of studies known to the department that support, are
30 directly relevant to, or fail to support any estimate of public health
31 effects or environmental effects and the methodology used to reconcile
32 inconsistencies in the data.

33 (4) The department shall also include a summary of the information re-
34 quired by subsection (3) of this section in the notice of rulemaking required
35 by chapter 52, title 67, Idaho Code.

36 (5) Any rule promulgated or adopted by the board which is broader in
37 scope or more stringent than federal law or regulations, or which regulates
38 an activity not regulated by the federal government, submitted to the stand-
39 ing committee of the legislature pursuant to section 67-5291, Idaho Code,
40 shall include a notice by the board identifying the portions of the adopted
41 rule that are broader in scope or more stringent than federal law or rules, or
42 which regulate an activity not regulated by the federal government.

43 (6) Nothing provided herein is intended to alter the scope or effect
44 of sections 39-105(3)(g) ~~(v)~~ (iv), 39-118B, 39-3601, 39-4404, 39-7210 and
45 39-7404, Idaho Code, or any other provision of state law which limits or pro-
46 hibits agency action or rulemaking that is broader in scope or more stringent
47 than federal law or regulations.

48 SECTION 10. That Section [39-113](#), Idaho Code, be, and the same is hereby
49 repealed.

1 SECTION 11. That Section 39-3623, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 39-3623. EFFECT OF RULES. (1) Every rule promulgated within the au-
4 thority conferred in sections 39-3617 through 39-3622, Idaho Code, shall be
5 of temporary effect and shall become permanent only by enactment of statute
6 at the first regular session following adoption of the rule. Rules not ap-
7 proved in the above manner shall be rejected, null, void and of no force and
8 effect on July 1, following submission of the rules to the legislature.

9 ~~(1) The rules promulgated within the authority conferred in this act~~
10 ~~and adopted by the board of health and welfare on January 31, 1990, and con-~~
11 ~~tained in IDAPA 16.01.2003,31 and 16.01.2003,32 and 16.01.2053,01 through~~
12 ~~16.01.2053,07, are hereby approved by the legislature.~~

13 (2) The rules promulgated within the authority conferred in this act
14 and adopted by the board of environmental quality on November 10, 2010,
15 and contained in IDAPA 58.01.02.010, 58.01.02.051 and 58.01.02.052, and on
16 November 19, 2014, and contained in IDAPA 58.01.02.060 and 58.01.02.010 are
17 hereby approved by the legislature. A mixing zone approved by the department
18 shall be subject to the applicable laws and rules for mixing zones in effect
19 at the time it is approved and such mixing zone shall remain effective until
20 the applicable permit is renewed or modified.

21 SECTION 12. That Section 42-1734B, Idaho Code, be, and the same is
22 hereby amended to read as follows:

23 42-1734B. BOARD PROCEDURES FOR ADOPTING A COMPREHENSIVE STATE WATER
24 PLAN. (1) Prior to the adoption of the comprehensive state water plan or any
25 component of the comprehensive plan, the board shall conduct hearings in the
26 manner provided in section 42-1734A, Idaho Code.

27 (2) In the preparation, adoption, and implementation of the comprehen-
28 sive state water plan, the board shall encourage the cooperation, partici-
29 pation, and assistance of state agencies. The board also shall solicit eco-
30 nomic, energy, environmental, and other technical studies and recommenda-
31 tions from state agencies with particular expertise. All agencies of the
32 state of Idaho shall cooperate with the board by providing requested exist-
33 ing information and studies pertaining in any manner to any matters which are
34 the subject of this act. The board shall have discretion to balance all fac-
35 tors relevant to the formulation, adoption and implementation of the compre-
36 hensive state water plan and implementation and the designation of protected
37 rivers.

38 (3) Any state agency may petition the board to amend the comprehensive
39 state water plan. The board shall review any petition filed pursuant to this
40 section within six (6) months after it is filed and shall either commence ac-
41 tion to amend the comprehensive plan or set forth its reasons for denying the
42 request in writing.

43 (4) All state agencies shall exercise their duties in a manner consis-
44 tent with the comprehensive state water plan. These duties include but are
45 not limited to the issuance of permits, licenses, and certifications; pro-
46 vided, however, that nothing in this chapter shall be construed to affect
47 the authority of any state agency with respect to activities not prohibited
48 by the comprehensive state water plan. The designation of a waterway as a

1 natural or recreation river shall not preclude the department of ~~health and~~
2 ~~welfare~~ environmental quality from establishing water quality standards for
3 such waterway.

4 (5) When a comprehensive state water plan is adopted, copies thereof
5 shall be filed in the office of the governor and director of the department of
6 water resources, and published and distributed generally.

7 (6) The comprehensive state water plan and any component thereof devel-
8 oped for a particular waterway or waterways is subject to review and amend-
9 ment by the legislature of the state of Idaho by law at the regular session
10 immediately following the board's adoption of the comprehensive state water
11 plan or component thereof.

12 (7) The board shall submit all subsequent changes to the legislature as
13 provided in section 7, article XV, of the constitution of the state of Idaho.
14 The board shall also use best efforts to provide notice of all subsequent
15 changes to each member of the legislature on or before the first day of the
16 regular legislative session following the change.

17 (8) The board shall review and reevaluate Part A of the comprehensive
18 state water plan, or any one (1) or more of the component water plans com-
19 prising Part B of the comprehensive state water plan, upon the adoption of a
20 concurrent resolution of the legislature directing the review or requesting
21 a specific amendment to the plan. The board also may undertake the review in
22 response to a petition for amendment filed pursuant to subsection (3) of this
23 section, or upon the board's own initiative, as determined necessary by the
24 board. Amendments to Part A or Part B of the comprehensive state water plan
25 shall be adopted in the same manner as the original plan.

26 (9) A protected river designated by the board shall not become a final
27 part of the comprehensive state water plan until approved by law. If the
28 legislature does not approve a protected river by law at the regular ses-
29 sion immediately following the board's designation of such protected river,
30 then the designation of such protected river shall terminate and any prohi-
31 bition or terms and conditions imposed on such protected river pursuant to
32 subsection (5) or (6) of section 42-1734A, Idaho Code, shall be terminated
33 ten (10) days following the end of the session. The failure to approve a pro-
34 tected river shall not operate to invalidate a comprehensive plan or com-
35 ponent thereof. Nothing in this subsection shall prevent the legislature,
36 however, from approving such protected river and reinstating or modifying
37 such prohibitions or terms and conditions in a subsequent session.

38 (10) After adoption of a comprehensive plan or component thereof, the
39 board shall administer the implementation of the plan.

40 SECTION 13. That Section 54-2602, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 54-2602. EXCEPTIONS. (1) Certificate of competency requirements of
43 this chapter shall not be deemed to apply to:

44 (a) Any person who does plumbing work in a single or duplex family
45 dwelling, including accessory buildings, quarters and grounds in con-
46 nection with such dwelling; provided that such person owns or is a
47 contract purchaser of the premises, and provided further that such
48 person shall comply with the minimum standards and rules applicable to
49 plumbing practices provided by this chapter.

1 (b) Farm buildings located outside the incorporated limits of any city
2 unless such buildings are connected to a public water or sewer system;
3 and a farm building is hereby defined to be a structure located on agri-
4 cultural zoned property and designed and constructed to house farm im-
5 plements, hay, grain, poultry, livestock or other horticultural prod-
6 ucts and includes sheds, barns, corrals or fences. This definition does
7 not include a place for human habitation or a place of regular employ-
8 ment where agricultural products are extracted, processed, treated or
9 packaged; a place used by the public; or conditioned livestock housing.

10 (c) Logging, mining or construction camps when plumbing installations
11 are made to conform with the recommendations of the department of ~~health~~
12 ~~and welfare~~ environmental quality.

13 (d) Piping systems in industrial processing plants located outside the
14 incorporated limits of any city unless such systems are connected to a
15 public water or sewer system.

16 (e) Work on plumbing systems on premises owned or operated by an em-
17 ployer who regularly employs maintenance or construction plumbers,
18 provided that alterations, extensions and new construction shall
19 comply with the minimum standards and rules applicable to plumbing
20 practices provided by this chapter.

21 (f) Nothing contained in this section or any other provision of this
22 code shall be construed or applied to require a sewer contractor, sewage
23 disposal contractor, or any excavating or utility contractor who gener-
24 ally engages in the business of installing, altering or repairing sew-
25 ers, private and public sewage disposal systems, and water distribu-
26 tion and/or drainage lines outside the foundation walls of any build-
27 ing or structure to obtain a valid contractor's certificate of compe-
28 tency or to employ only journeymen plumbers possessing a valid journey-
29 man plumber's certificate of competency or registration or to in any way
30 require that his employees be registered, licensed or declared compe-
31 tent by the board.

32 (g) Water treatment installations and repairs when installed in resi-
33 dential or business properties, provided the same, when installed, re-
34 paired or completed, shall be inspected by a designated, qualified and
35 properly identified agent of the division of occupational and profes-
36 sional licenses as to quality of workmanship and compliance with the ap-
37 plicable provisions of this chapter.

38 (h) Plumbing work within modular buildings as defined in section
39 39-4301, Idaho Code, that are constructed in the state of Idaho for in-
40 stallation on building sites outside the state; provided however, that
41 no modular building shall be installed on a building site in the state of
42 Idaho until it has been approved and bears the insignia of approval of
43 the division as being in compliance with the requirements set forth in
44 section 39-4304, Idaho Code.

45 (i) Individuals holding a current installer license pursuant to the
46 provisions of chapter 21, title 44, Idaho Code, may make connections
47 from manufactured home or mobile home sewer or water facilities to ex-
48 isting sewer or water facilities on-site.

49 (j) Individuals licensed pursuant to chapter 10, title 54, Idaho Code,
50 or chapter 50, title 54, Idaho Code, as follows:

1 (i) Individuals holding a current HVAC or electrical license may
 2 install electrical circuitry from the disconnecting means to a wa-
 3 ter heater and electrical connections to the water heater as long
 4 as the disconnect is in sight from the unit and the circuit from the
 5 disconnecting means to the water heater is no more than fifty (50)
 6 feet long.

7 (ii) Individuals holding a current HVAC license may install gas
 8 piping and piping for hydronic systems.

9 (iii) Individuals holding a current HVAC license may install boil-
 10 ers that are not otherwise subject to inspection by the industrial
 11 commission or its authorized agent.

12 (k) A nonprofit organization that is chartered to build houses and
 13 that has tax-exempt status under section 501(c) (3) of the Internal Rev-
 14 enue Code, including a religious corporation, and such organization's
 15 volunteers, performing plumbing installations for a single-family
 16 dwelling unit. An organization described in this paragraph shall des-
 17 ignate a primary contact person with whom inspectors may communicate.

18 (2) To the extent that an electrical or HVAC installation permit issued
 19 by the Idaho division of occupational and professional licenses includes any
 20 part of a plumbing installation, the permit issued and inspection performed
 21 shall be sufficient to satisfy the permitting and inspecting requirements of
 22 this chapter if all required permit fees have been paid.

23 (3) Apprentice registration requirements shall not apply to high
 24 school students enrolled in an educational program recognized by the board
 25 in which the performance of plumbing installation is a formal component of
 26 the program. The exemption is limited to students performing residential
 27 installations as part of such program under the constant on-the-job supervi-
 28 sion of a licensed journeyman plumber and a permit for the work is obtained
 29 from the authority having jurisdiction. Work hours performed by such stu-
 30 dents shall not apply toward apprentice work requirements.

31 (4) Any person, firm, copartnership, association or corporation making
 32 water treatment installations and/or repairs in accordance with the provi-
 33 sions of this chapter shall maintain a surety bond in the amount of two thou-
 34 sand dollars (\$2,000).

35 SECTION 14. That Section 54-3307, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 54-3307. BOARD -- MEMBERS -- VACANCIES. (a) There is hereby created in
 38 the division of occupational and professional licenses a state board of den-
 39 turitry of the state of Idaho, which shall consist of five (5) members. Three
 40 (3) members of the board shall be ~~persons who have been~~ nominated by the asso-
 41 ciation of Idaho denturists, inc. ~~and or~~ by any individual residing in this
 42 state, ~~who and such members shall~~ have had at least five (5) years continuous
 43 experience immediately prior to their nomination in the practice of dentu-
 44 ritory. Two (2) other members of the board shall be ~~lay persons nominated by~~
 45 ~~the director of the Idaho department of health and welfare or by any individ-~~
 46 ~~ual residing in this state~~ public members.

47 (b) Members shall be appointed to the board for terms of three (3) years
 48 each and shall serve at the pleasure of the governor. Appointments to fill
 49 vacancies shall be for the unexpired term of such vacancies.

1 (c) Appointments to the board shall be made by the governor and each
2 member of the board shall hold office for his term and until his successor is
3 duly appointed by the governor.

4 SECTION 15. That Section 54-5002, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 54-5002. EXCEPTIONS. (1) Certificate of competency requirements of
7 this chapter shall not apply to:

8 (a) Any person who installs or maintains a heating, ventilation and
9 air conditioning system in a single or duplex family dwelling, includ-
10 ing accessory buildings, quarters and grounds in connection with such
11 dwelling; provided that such person owns or is a contract purchaser of
12 the premises; and provided further that such person shall comply with
13 the standards and rules applicable to heating, ventilation and air con-
14 ditioning installation or repairs as provided in this chapter.

15 (b) Farm buildings located outside the incorporated limits of any
16 city; and a farm building is hereby defined to be a structure located
17 on agricultural zoned property and designated and constructed to house
18 farm implements, hay, grain, poultry, livestock or other horticultural
19 products and includes sheds, barns, corrals or fences. This definition
20 does not include a place for human habitation or a place of regular em-
21 ployment where agricultural products are extracted, processed, treated
22 or packaged; a place used by the public; or conditioned livestock hous-
23 ing.

24 (c) Logging, mining or construction camps when heating, ventilation or
25 air conditioning installations are made to conform to the recommenda-
26 tions of the department of ~~health and welfare~~ environmental quality.

27 (d) Work on heating, ventilation or air conditioning systems on
28 premises owned or operated by an employer who regularly employs main-
29 tenance or construction heating, ventilation and air conditioning
30 journeymen, provided that alterations, extensions and new construction
31 shall comply with the minimum standards and rules applicable to heat-
32 ing, ventilation and air conditioning practices in accordance with the
33 provisions of this chapter.

34 (e) Modular buildings, as defined in section 39-4301, Idaho Code, that
35 are constructed in the state of Idaho for installation on building sites
36 outside the state; provided however, that no modular building shall be
37 installed on a building site in the state of Idaho until it has been ap-
38 proved and bears the insignia of approval of the division as being in
39 compliance with the requirements set forth in section 39-4304, Idaho
40 Code.

41 (f) A nonprofit organization that is chartered to build houses and that
42 has tax-exempt status under section 501(c)(3) of the Internal Revenue
43 Code, including a religious corporation, and such organization's vol-
44 unteers, performing HVAC installations for a single-family dwelling
45 unit. An organization described in this paragraph shall designate a
46 primary contact person with whom inspectors may communicate.

47 (2) Apprentice registration requirements shall not apply to high
48 school students enrolled in an educational program recognized by the board
49 in which the performance of HVAC installation is a formal component of

1 the program. The exemption is limited to students performing residential
2 installations as part of such program under the constant on-the-job supervi-
3 sion of a licensed journeyman, and a permit for the work is obtained from the
4 authority having jurisdiction. Work hours performed by such students shall
5 not apply toward apprentice work requirements.

6 SECTION 16. That Section 56-1003, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 56-1003. POWERS AND DUTIES OF THE DIRECTOR. The director shall have
9 the following powers and duties:

10 (1) All of the powers and duties of the department of public health, the
11 department of health, the board of health and all nonenvironmental protec-
12 tion duties of the department of health and welfare are hereby vested to the
13 director of the department of health and welfare. However, oversight of the
14 department and rulemaking and hearing functions relating to public health
15 and licensure and certification standards shall be vested in the board of
16 health and welfare. Except when the authority is vested in the board of
17 health and welfare under law, the director shall have all such powers and
18 duties as may have been or could have been exercised by his predecessors in
19 law, including the authority to adopt, promulgate, and enforce rules, and
20 shall be the successor in law to all contractual obligations entered into by
21 predecessors in law. All rulemaking proceedings and hearings of the direc-
22 tor shall be governed by the provisions of chapter 52, title 67, Idaho Code.

23 (2) The director shall, pursuant and subject to the provisions of Idaho
24 Code and this chapter, promulgate and recommend to the board rules to admin-
25 ister statutes related to health and licensure and certification require-
26 ments pertinent to health. Such rules may be of general application across
27 the state or may be limited in time, place, and circumstance as needed to ad-
28 dress problems.

29 (3) The director, under rules adopted by the board, shall have general
30 supervision of the health and welfare of the people of this state. The powers
31 and duties of the director shall include but are not limited to the follow-
32 ing:

33 (a) The education of the people of this state using guidelines and rec-
34 ommendations for issues of health, safety, mental health, and wellness;

35 (b) The issuance of licenses and permits as prescribed by law and by the
36 rules of the board;

37 (c) The supervision and administration of laboratories and the super-
38 vision and administration of standards of tests for environmental pol-
39 lution, chemical analyses and communicable diseases. The director may
40 require that laboratories operated by any city, county, institution,
41 person, firm or corporation for health or environmental purposes con-
42 form to standards set by the board of health and welfare and the board of
43 environmental quality in rule;

44 (d) The supervision and administration of a mental health program,
45 which shall include services for the evaluation, screening, custody and
46 treatment of the mentally ill and those persons suffering from a mental
47 defect or mental defects, and services for the prevention of suicide;

1 ~~(e) The enforcement of minimum standards of health, safety, and sani-~~
2 ~~tation for all public swimming pools within the state as established in~~
3 ~~rule of the board;~~

4 ~~(f)~~ (e) The supervision and administration of the various schools, hos-
5 pitals, and institutions that were the responsibility of the board of
6 health and welfare;

7 ~~(g)~~ (f) The supervision and administration of services dealing with
8 substance abuse, including but not limited to treatment and rehabilita-
9 tion;

10 ~~(h)~~ (g) Communication and cooperation with other governmental de-
11 partments, agencies and boards in order to effectively assist with the
12 planning for the control of or abatement of health problems. All of the
13 rules adopted by the board shall apply to state institutions;

14 ~~(i)~~ (h) The supervision and administration of an emergency medical ser-
15 vices program, including but not limited to assisting other governmen-
16 tal agencies and local governmental units, in providing first aid emer-
17 gency medical services and for transportation of the sick and injured;

18 ~~(j)~~ (i) The supervision of administrative units whose responsibility
19 shall be to assist and encourage counties, cities, other governmental
20 units, and industries in the control of and/or abatement of health prob-
21 lems; and

22 ~~(k)~~ (j) The enforcement of all laws and rules relating to health.

23 (4) The director, when so designated by the governor, and any other time
24 subject to the standard appropriations and approval process of the legisla-
25 ture, shall have the power to apply for, receive on behalf of the state, and
26 utilize any federal aid, grants, gifts, or moneys made available through the
27 federal government.

28 (5) The director shall have the power to enter into and make contracts
29 and agreements with any public agencies or municipal corporations for fa-
30 cilities, land, and equipment when such use will have a beneficial, recre-
31 ational, or therapeutic effect or be in the best interest in carrying out the
32 duties imposed upon the department. The director shall also have the power
33 to enter into contracts for the expenditure of state matching funds for local
34 purposes. This subsection will constitute the authority for public agencies
35 or municipal corporations to enter into such contracts and expend money for
36 the purposes delineated in such contracts.

37 (6) The director is authorized to adopt an official seal to be used on
38 appropriate occasions, in connection with the functions of the department or
39 the board, and such seal shall be judicially noticed. Copies of any books,
40 records, papers and other documents in the department shall be admitted in
41 evidence equally with the originals thereof when authenticated under such
42 seal.

43 (7) The director, under rules adopted by the board of health and welfare
44 and approved by the legislature pursuant to section 67-5291, Idaho Code,
45 and section 29, article III of the constitution of the state of Idaho, shall
46 have the power to impose and enforce orders of isolation, quarantine, or
47 restricted access to protect the public from the spread of infectious or
48 communicable diseases or from contamination from chemical, nuclear, or bi-
49 ological agents, whether naturally occurring or propagated by criminal or
50 terrorist act.

1 (a) An order of isolation may be issued only for a person diagnosed with
2 an infectious or a communicable disease, presenting medically unknown
3 symptoms, or contaminated from a chemical, nuclear, or biological agent
4 and only while a person is infectious, displaying unknown symptoms, or
5 contaminated.

6 (b) An order of quarantine may be issued only for a person exposed to:

7 (i) An infectious or a communicable disease;

8 (ii) A person displaying medically unknown symptoms; or

9 (iii) Contamination from a chemical, nuclear, or biological
10 agent;

11 under circumstances likely to result in the spread of the disease, symp-
12 toms, or contaminant to the person who had such contact and only for a
13 reasonable period of time sufficient to determine whether the exposed
14 person will become sick.

15 (c) If the director has reasonable cause to believe a chemical, nu-
16 clear, or biological agent has been released in an identifiable place,
17 including a building or structure, the director may impose an order of
18 restricted access into or out of that place for the purpose of determin-
19 ing whether that place has been contaminated with a chemical, nuclear,
20 or biological agent that may create a substantial and immediate danger
21 to the public. An order of restricted access shall be effective only
22 until such time as the contamination has been remediated and the area
23 of restricted access has been determined to no longer pose an immediate
24 health risk.

25 (d) An order of isolation, quarantine, or restricted access issued pur-
26 suant to this section shall not be subject to the Idaho administrative
27 procedure act, chapter 52, title 67, Idaho Code, but shall be subject to
28 judicial review as a final agency order. However, this shall not pre-
29 vent the director from reconsidering, amending, or withdrawing the or-
30 der. Judicial review of orders of isolation, quarantine, or restricted
31 access shall be de novo. The court may affirm, reverse, or modify the
32 order and shall affirm the order if the director shows by clear and con-
33 vincing evidence that the order is reasonably necessary to protect the
34 public from a substantial and immediate danger of the spread of an in-
35 fectious or communicable disease or from contamination by a chemical,
36 nuclear, or biological agent. A hearing on a request for review pur-
37 suant to this paragraph shall be held as soon as practicable but no later
38 than three (3) business days after the request is made. Notice of the
39 request for review to the court must be provided to the director. The
40 court may order the person who is the subject of or affected by the or-
41 der of isolation, quarantine, or restricted access to appear remotely
42 via technology approved by the Idaho supreme court. Upon conclusion of
43 a hearing described in this subsection, the court conducting judicial
44 review shall issue an order:

45 (i) Affirming or modifying the order of isolation, quarantine, or
46 restricted access; or

47 (ii) Reversing the order and releasing an individual who is the
48 subject of or affected by such order.

49 (e) Any person who violates an order of isolation, quarantine, or re-
50 stricted access shall be guilty of a misdemeanor.

1 (8) The director shall develop safeguards necessary to ensure the se-
2 curity of nonpublic personal information in the department's possession and
3 to prevent undue disclosure of such information. The director shall estab-
4 lish a process to authenticate requests made by a person, entity or jurisdic-
5 tion arising under the 2007 Hague convention on the international recovery
6 of child support and other forms of family maintenance. In the event the de-
7 partment becomes aware of any improper disclosure, the director shall take
8 all actions required under section 28-51-105, Idaho Code.

9 SECTION 17. That Section 63-602P, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 63-602P. PROPERTY EXEMPT FROM TAXATION -- FACILITIES FOR WATER OR AIR
12 POLLUTION CONTROL. (1) The following property is exempt from taxation: fa-
13 cilities, installations, machinery or equipment, attached or unattached to
14 real property, and designed, installed and utilized in the elimination, con-
15 trol or prevention of water or air pollution, or, in event such facilities,
16 installations, equipment or machinery shall also serve other beneficial
17 purposes and uses, such portion of the assessed valuation thereof as may
18 reasonably be calculated to be necessary for and devoted to elimination,
19 control or prevention of water or air pollution. The state tax commission or
20 county assessor shall determine such exempt portion, and shall not include
21 as exempt any portion of any facilities which have value as the specific
22 source of marketable ~~by-products~~ by-products.

23 (2) If any water corporation, as defined by section 61-125, Idaho Code,
24 regulated by the Idaho public utilities commission is or has been ordered by
25 the ~~state board of health~~ department of environmental quality or the Idaho
26 public utilities commission to install equipment designed and utilized in
27 the elimination, control or prevention of water pollution, the Idaho public
28 utilities commission shall notify the Idaho state tax commission of the per-
29 centage such property bears to the total invested plant of the company and
30 said portion shall be exempt from property taxation. Said percentage re-
31 ported to the Idaho state tax commission by the Idaho public utilities com-
32 mission may be contested by any person or party at a public hearing held be-
33 fore the Idaho state tax commission.

34 SECTION 18. That Section 63-1309, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 63-1309. SPECIAL TAXING DISTRICT OR BOND PROPOSAL DEFEATED IN ELEC-
37 TION BARS SUBSEQUENT ELECTIONS FOR SPECIFIED TIME -- EXCEPTION -- BOARD OF
38 EDUCATION MAY CONDUCT ELECTION -- MUNICIPALITIES, WATER OR SEWER DISTRICTS
39 MAY CONDUCT BOND ELECTION. If any election has been held for the formation of
40 any special taxing district, or for the approval of any bond issue or other
41 proposal which that would have resulted in a property tax levy, and the pro-
42 posal submitted at such election was defeated, no subsequent election shall
43 be held within two (2) months from and after the date of such prior election
44 for the same or a similar purpose in any district which that includes any
45 part of the area which that was affected by the prior election. In the event
46 any school building is destroyed or rendered unusable for school purposes by
47 reason of fire, flood or other catastrophe, and a school bond election for

1 the purpose of the replacement of such building is prohibited by the provi-
2 sions of this section or by the provisions of section 34-106, Idaho Code, the
3 state board of education shall have the power to authorize an election for
4 such purpose by order based upon a finding of such facts. The provisions of
5 this section shall not apply to school elections held solely for determining
6 property tax levies for general school purposes not involving the issuance
7 of bonds. This time requirement between elections shall not apply to munici-
8 palities or water and/or sewer districts when bond issues are being proposed
9 for the installation or improvement of water supply systems or public sewer-
10 age systems ~~which that~~ which that have been deemed necessary by the Idaho ~~state board of~~
11 ~~health and welfare~~ department of environmental quality to bring such system
12 or systems in conformance with state statutes or rules ~~of the state board of~~
13 ~~health and welfare~~.

14 SECTION 19. An emergency existing therefor, which emergency is hereby
15 declared to exist, this act shall be in full force and effect on and after
16 July 1, 2025.