

TITLE 39
HEALTH AND SAFETY

CHAPTER 4
PUBLIC HEALTH DISTRICTS

39-401. LEGISLATIVE INTENT. [EFFECTIVE UNTIL MARCH 1, 2022] The various health districts, as provided for in this chapter, are not a single department of state government unto themselves, nor are they a part of any of the twenty (20) departments of state government authorized by section 20, article IV, Idaho constitution, or of the departments prescribed in section 67-2402, Idaho Code.

It is legislative intent that health districts operate and be recognized not as state agencies or departments, but as governmental entities whose creation has been authorized by the state, much in the manner as other single purpose districts. Pursuant to this intent, and because health districts are not state departments or agencies, health districts are exempt from the required participation in the services of the purchasing agent or employee liability coverage, as rendered by the department of administration. However, nothing shall prohibit the health districts from entering into contractual arrangements with the department of administration, or any other department of state government or an elected constitutional officer, for these or any other services.

It is legislative intent to affirm the provisions of section 39-413, Idaho Code, requiring compliance with the state merit system, and to affirm the participation of the health districts in the public employee retirement system, pursuant to section 39-426, Idaho Code, chapter 13, title 59, Idaho Code, and chapter 53, title 67, Idaho Code.

It is also legislative intent that the matters of location of deposit of health district funds, or the instruments or documents of payment from those funds shall be construed as no more than items of convenience for the conduct of business, and in no way reflect upon the nature or status of the health districts as entities of government.

This section merely affirms that health districts created under this chapter are not state agencies, and in no way changes the character of those agencies as they existed prior to this act.

39-401. LEGISLATIVE INTENT. [EFFECTIVE MARCH 1, 2022] (1) The various health districts, as provided for in this chapter, are not:

- (a) A single department of state government unto themselves;
- (b) A part of any of the twenty (20) departments of state government authorized by section 20, article IV, Idaho constitution;
- (c) A part of the departments prescribed in section [67-2402](#), Idaho Code; or
- (d) A department or an agency of county government.

(2) It is legislative intent that health districts operate and be recognized not as state or county agencies or departments, but as governmental entities whose creation has been authorized by the state, much in the manner as other single purpose districts. Pursuant to this intent, and because health districts are not state or county departments or agencies, health districts are exempt from the required participation in the services of the purchasing agent or employee liability coverage, as rendered by the department of administration. However, nothing shall prohibit the health

districts from entering into contractual arrangements with the department of administration, or any other department of state government or an elected constitutional officer, for these or any other services.

(3) It is legislative intent to affirm the provisions of section [39-413](#), Idaho Code, requiring compliance with the state merit system, and to affirm the participation of the health districts in the public employee retirement system, pursuant to section [39-426](#), Idaho Code, [chapter 13, title 59](#), Idaho Code, and [chapter 53, title 67](#), Idaho Code.

(4) It is also legislative intent that the matters of location of deposit of health district funds, or the instruments or documents of payment from those funds shall be construed as no more than items of convenience for the conduct of business, and in no way reflect upon the nature or status of the health districts as entities of government.

(5) This section merely affirms that health districts created under this chapter are not state or county agencies, and in no way changes the character of those agencies as they existed prior to this act.

(6) Public health districts will have the option to continue with agreements and service arrangements, including insurance arrangements, with state agencies that were effective prior to January 1, 2022, unless an agreement or service arrangement is expressly nullified by statute.

[39-401, added 1976, ch. 179, sec. 1, p. 645; am. 1986, ch. 63, sec. 1, p. 180; am. 2021, ch. 336, sec. 2, p. 1021.]

39-408. ESTABLISHMENT OF DISTRICTS. There is hereby established within the state of Idaho seven (7) public health districts more particularly defined as follows:

District No. 1 shall include the counties of Boundary, Bonner, Kootenai, Benewah and Shoshone;

District No. 2 shall include the counties of Latah, Clearwater, Nez Perce, Lewis and Idaho;

District No. 3 shall include the counties of Adams, Washington, Payette, Gem, Canyon and Owyhee;

District No. 4 shall include the counties of Valley, Boise, Ada and Elmore;

District No. 5 shall include the counties of Camas, Blaine, Gooding, Lincoln, Jerome, Minidoka, Twin Falls and Cassia;

District No. 6 shall include the counties of Power, Oneida, Bannock, Franklin, Caribou, Bear Lake, Bingham and Butte;

District No. 7 shall include the counties of Lemhi, Custer, Clark, Jefferson, Bonneville, Teton, Madison and Fremont.

[39-408, added 1970, ch. 90, sec. 1, p. 218.]

39-409. DISTRICT HEALTH DEPARTMENTS -- ESTABLISHMENT -- SERVICES. There is hereby created and established in each of the above described public health districts a district health department, hereinafter referred to as the district health department. The district health department shall have as its head the district board of health.

The district health department will provide the basic health services of public health education, physical health, environmental health, and public health administration, but this listing shall not be construed to restrict the service programs of the district health department solely to

these categories. Each district shall have a doctor of medicine licensed in Idaho as a staff member or as a regular consultant.

[39-409, added 1970, ch. 90, sec. 2, p. 218; am. 1973, ch. 29, sec. 1, p. 56; am. 1986, ch. 63, sec. 2, p. 181.]

39-410. DISTRICT BOARD OF HEALTH -- ESTABLISHMENT. There is hereby created and established in each of the public health districts a district board of health, hereinafter referred to as the district board, which shall be vested with the authority, control, and supervision of the district health department, and with such powers as required to perform the duties as are set forth in this act and shall be responsible for supervision of all district health programs.

[39-410, added 1970, ch. 90, sec. 3, p. 218; am. 1973, ch. 29, sec. 2, p. 56.]

39-411. COMPOSITION OF DISTRICT BOARD – QUALIFICATIONS OF MEMBERS – APPOINTMENT AND REMOVAL – TERMS – SELECTION OF OFFICERS – BOARD OF TRUSTEES OF DISTRICT BOARDS OF HEALTH. [EFFECTIVE UNTIL MARCH 1, 2022] (1) For those districts comprised of:

(a) Fewer than eight (8) counties, the district board of health shall consist of seven (7) members to be appointed by the boards of county commissioners within each district acting jointly, and each board of county commissioners may appoint a board member.

(b) Eight (8) counties, the district board of health shall consist of not fewer than eight (8) members nor more than nine (9) members, and each board of county commissioners may appoint a board member.

(2) Each member of the district board of health shall be a citizen of the United States, a resident of the state of Idaho and the public health district for one (1) year immediately last past, and a qualified elector. One (1) member of the district board, if available to serve, shall be a physician licensed by the Idaho state board of medicine, and no more than one (1) member shall be appointed from any professional or special interest group. All members shall be chosen with due regard to their knowledge and interest in public health and in promoting the health of the citizens of the state and the public health district. Representation shall be assured from rural as well as urban population groups.

(3) All appointments to the district board shall be confirmed by a majority vote of all the county commissioners of all the counties located within the public health district. Any member of the district board may be removed by majority vote of all the county commissioners of all the counties located within the district.

(4) The members of the district board of health shall be appointed for a term of five (5) years, subject to reappointment; and vacancies on the board for an unexpired term shall be filled for the balance of the unexpired term. Notwithstanding any provision of this section as to term of appointment, if a board member is an appointee for a board of county commissioners, and if that board member is an elected county commissioner and leaves office prior to the expiration of the term on the district board of health, the board of county commissioners may declare the position vacant and may appoint another currently elected county commissioner to fill the unexpired portion of the term of that board member.

(5) The members of the district board, each year, shall select a chairman, a vice chairman and a trustee. The trustee shall represent the district board as a member of the board of trustees of the Idaho district boards of health.

(6) The board of trustees of the Idaho district boards of health shall have authority to allocate appropriations from the legislature to the health districts. Such authority is limited to the development and administration of formulas for the allocation of legislative appropriations. Any formula adopted by the board of trustees must be in use, without alteration, for at least two (2) years; provided that during the two (2) year period, the formula may be changed if an emergency occurs, the emergency is declared and there is a unanimous vote of the board of trustees to make the emergency formula change. All proceedings of the board of trustees shall be subject to the provisions of chapter 2, title 74, Idaho Code.

39-411. COMPOSITION OF DISTRICT BOARD -- QUALIFICATIONS OF MEMBERS -- APPOINTMENT AND REMOVAL -- TERMS -- SELECTION OF OFFICERS -- BOARD OF TRUSTEES OF DISTRICT BOARDS OF HEALTH. [EFFECTIVE MARCH 1, 2022] (1) For those districts comprised of:

(a) Fewer than eight (8) counties, the district board of health shall consist of seven (7) members to be appointed by the boards of county commissioners within each district acting jointly, and each board of county commissioners may appoint a board member.

(b) Eight (8) counties, the district board of health shall consist of not fewer than eight (8) members nor more than nine (9) members, and each board of county commissioners may appoint a board member.

(2) Each member of the district board of health shall be a citizen of the United States, a resident of the state of Idaho and the public health district for one (1) year immediately last past, and a qualified elector. One (1) member of the district board, if available to serve, shall be a physician licensed by the Idaho state board of medicine. All members shall be chosen with due regard to their knowledge and interest in public health and in promoting the health of the citizens of the state and the public health district. Representation shall be assured from rural as well as urban population groups.

(3) All appointments to the district board shall be confirmed by a majority vote of all the county commissioners of all the counties located within the public health district. Any member of the district board may be removed by majority vote of all the county commissioners of all the counties located within the district.

(4) The members of the district board of health shall be appointed for a term of five (5) years, subject to reappointment; and vacancies on the board for an unexpired term shall be filled for the balance of the unexpired term. Notwithstanding any provision of this section as to term of appointment, if a board member is an appointee for a board of county commissioners, and if that board member is an elected county commissioner and leaves office prior to the expiration of the term on the district board of health, the board of county commissioners may declare the position vacant and may appoint another currently elected county commissioner to fill the unexpired portion of the term of that board member.

(5) The members of the district board, each year, shall select a chairman, a vice chairman and a trustee. The trustee shall represent the district

board as a member of the board of trustees of the Idaho district boards of health.

(6) The board of trustees of the Idaho district boards of health shall have authority to allocate appropriations from the legislature to the health districts. Such authority is limited to the development and administration of formulas for the allocation of legislative appropriations. Any formula adopted by the board of trustees must be in use, without alteration, for at least two (2) years; provided that during the two (2) year period, the formula may be changed if an emergency occurs, the emergency is declared and there is a unanimous vote of the board of trustees to make the emergency formula change. All proceedings of the board of trustees shall be subject to the provisions of [chapter 2, title 74](#), Idaho Code.

[39-411, added 1970, ch. 90, sec. 4, p. 218; am. 1972, ch. 159, sec. 1, p. 352; am. 1973, ch. 29, sec. 3, p. 56; am. 1984, ch. 38, sec. 1, p. 64; am. 1986, ch. 63, sec. 3, p. 181; am. 1992, ch. 122, sec. 1, p. 400; am. 1999, ch. 61, sec. 1, p. 158; am. 2007, ch. 163, sec. 1, p. 489; am. 2010, ch. 287, sec. 1, p. 768; am. 2018, ch. 296, sec. 1, p. 700; am. 2021, ch. 336, sec. 3, p. 1021.]

39-412. MEETINGS OF THE DISTRICT BOARD -- COMPENSATION OF MEMBERS. The district board shall hold such meetings as may be necessary for the orderly conduct of its business and such meetings may be called upon seventy-two (72) hours' notice by the chairman or a majority of the members. Four (4) members shall be necessary to constitute a quorum and the action of the majority of members present shall be the action of the board. The members of the board shall be compensated as provided by section [59-509](#)(i), Idaho Code.

[39-412, added 1970, ch. 90, sec. 5, p. 218; am. 1973, ch. 29, sec. 4, p. 56; am. 1980, ch. 247, sec. 33, p. 606; am. 1984, ch. 40, sec. 1, p. 66; am. 1989, ch. 68, sec. 1, p. 110; am. 2007, ch. 91, sec. 1, p. 270.]

39-413 DISTRICT HEALTH DIRECTOR – APPOINTMENT – POWERS AND DUTIES. [EFFECTIVE UNTIL MARCH 1, 2022] A district health director shall be appointed by the district board. The director shall have and exercise the following powers and duties in addition to all other powers and duties inherent in the position or delegated to him or imposed upon him by law or rule, regulation, or ordinance:

(1) To be secretary and administrative officer of the district board of health;

(2) To prescribe such rules and regulations, consistent with the requirements of this chapter, as may be necessary for the government of the district, the conduct and duties of the district employees, the orderly and efficient handling of business and the custody, use and preservation of the records, papers, books and property belonging to the public health district;

(3) To administer oaths for all purposes required in the discharge of his duties;

(4) With the approval of the district board to:

(a) Prescribe the positions and the qualifications of all personnel under the district health director on a nonpartisan merit basis in accordance with the objective standards approved by the district board.

(b) Fix the rate of pay and appoint, promote, demote, and separate such employees and to perform such other personnel actions as are needed from

time to time in conformance with the requirements of chapter 53, title 67, Idaho Code.

(c) Create such units and sections as are or may be necessary for the proper and efficient functioning of the duties herein imposed.

39-413. DISTRICT HEALTH DIRECTOR -- APPOINTMENT -- POWERS AND DUTIES. [EFFECTIVE MARCH 1, 2022] A district health director shall be appointed by the district board and shall receive compensation as determined by the district board. The director shall have and exercise the following powers and duties in addition to all other powers and duties inherent in the position or delegated to him or imposed upon him by law or rule, regulation, or ordinance:

(1) To be secretary and administrative officer of the district board of health;

(2) To prescribe such rules and regulations, consistent with the requirements of this chapter, as may be necessary for the government of the district, the conduct and duties of the district employees, the orderly and efficient handling of business and the custody, use and preservation of the records, papers, books and property belonging to the public health district;

(3) To administer oaths for all purposes required in the discharge of his duties;

(4) With the approval of the district board to:

(a) Prescribe the positions and the qualifications of all personnel under the district health director on a nonpartisan merit basis in accordance with the objective standards approved by the district board. This shall be the exclusive responsibility of the district health director, with the approval of the board, and no state official, elected or otherwise, or agency shall have any power to disapprove or interfere with the performance by the director and the board of this duty or to delay such performance in any way.

(b) Fix the rate of pay and appoint, promote, demote, and separate such employees and to perform such other personnel actions as are needed from time to time in conformance with the requirements of [chapter 53, title 67](#), Idaho Code. This shall be the exclusive responsibility of the district health director, with the approval of the board, and no state official, elected or otherwise, or agency shall have any power to disapprove or interfere with the performance by the director and the board of this duty or to delay such performance in any way.

(c) Create such units and sections as are or may be necessary for the proper and efficient functioning of the duties herein imposed.

[39-413, added 1970, ch. 90, sec. 6, p. 218; am. 1972, ch. 159, sec. 2, p. 352; am. 1973, ch. 29, sec. 5, p. 56; am. 1974, ch. 23, sec. 70, p. 633; am. 1976, ch. 179, sec. 2, p. 646; am. 1982, ch. 133, sec. 1, p. 380; am. 1986, ch. 63, sec. 4, p. 182; am. 2021, ch. 336, sec. 4, p. 1022.]

39-414. POWERS AND DUTIES OF DISTRICT BOARD. [EFFECTIVE UNTIL MARCH 1, 2022] The district board of health shall have and may exercise the following powers and duties:

(1) To administer and enforce all state and district health laws, regulations, and standards.

(2) To do all things required for the preservation and protection of the public health and preventive health and such other things delegated by the director of the state department of health and welfare or the director of the

department of environmental quality, and this shall be authority for the director(s) to so delegate. An order of a district board of health will take effect immediately. However, notwithstanding the provisions of this subsection, if an order applies to all persons in a county or a public health district, the board of county commissioners within each affected county, after consulting with the district board of health, will determine by resolution whether or not to approve the order within county limits within seven (7) days of the date of the order. If the board of county commissioners approves the order, then the order will take effect immediately for a period of thirty (30) days. Thereafter, the order may be extended, amended, or modified and reimposed for thirty (30) day periods, subject to approval by the board of county commissioners.

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

(4) To enter into contracts with any other governmental or public agency whereby the district board agrees to render services to or for such agency in exchange for a charge reasonably calculated to cover the cost of rendering such service. This authority is to be limited to services voluntarily rendered and voluntarily received and shall not apply to services required by statute, rule, and regulations, or standards promulgated pursuant to this chapter or [chapter 1, title 39](#), Idaho Code.

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

(6) To establish a fiscal control policy required by the state controller.

(7) To cooperate with the state board of health and welfare, the department of health and welfare, the board of environmental quality and the department of environmental quality.

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

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

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

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

(12) To enter into a lease of real or personal property as lessor or lessee, or other transaction, with the Idaho health facilities authority for a term not to exceed ninety-nine (99) years upon a determination by the district board that the real or personal property to be leased is necessary for the purposes of the district, and to pledge nontax revenues of the district to secure the district's obligations under such leases. For the purposes of this chapter, a public health district is not a subdivision of the state and shall be considered an independent body corporate and politic

pursuant to section 1, article VIII, of the constitution of the state of Idaho, and is not authorized hereby to levy taxes nor to obligate the state of Idaho concerning such financing.

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

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

39-414. POWERS AND DUTIES OF DISTRICT BOARD.[EFFECTIVE MARCH 1, 2022] The district board of health shall have and may exercise the following powers and duties:

(1) To administer and enforce all state and district health laws, regulations, and standards.

(2) To do all things required for the preservation and protection of the public health and preventive health and to enter into agreements with the director of the state department of health and welfare or the director of the department of environmental quality to provide services or do such other things as specified in the agreement. An agreement entered pursuant to this subsection may be between either such director and one (1) district or multiple districts. An order of a district board of health will take effect immediately. However, notwithstanding the provisions of this subsection, if an order applies to all persons in a county or a public health district, the board of county commissioners within each affected county, after consulting with the district board of health, will determine by resolution whether or not to approve the order within county limits within seven (7) days of the date of the order. If the board of county commissioners approves the order, then the order will take effect immediately for a period of thirty (30) days. Thereafter, the order may be extended, amended, or modified and reimposed for thirty (30) day periods, subject to approval by the board of county commissioners. [,]

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

(4) To enter into contracts with any other governmental or public agency whereby the district board agrees to render services to or for such agency in exchange for a charge reasonably calculated to cover the cost of rendering such service. This authority is to be limited to services voluntarily rendered and voluntarily received and shall not apply to services required by statute, rule, and regulations, or standards promulgated pursuant to this chapter or [chapter 1, title 39](#), Idaho Code.

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

(6) To establish a fiscal control policy.

(7) To cooperate with the state board of health and welfare, the department of health and welfare, the board of environmental quality and the department of environmental quality.

(8) To enter into contracts with other governmental agencies, and this chapter hereby authorizes such other agencies to enter into contracts with the health district, as may be deemed necessary to fulfill the duties imposed

upon the district in providing for the health of the citizens within the district.

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

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

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

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

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

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

[39-414, added 1970, ch. 90, sec. 14, p. 218; am. 1973, ch. 29, sec. 6, p. 56; am. 1974, ch. 23, sec. 71, p. 633; am. 1976, ch. 51, sec. 9, p. 176; am. 1976, ch. 179, sec. 3, p. 644; am. 1980, ch. 118, sec. 1, p. 257; am. 1982, ch. 133, sec. 2, p. 381; am. 1986, ch. 63, sec. 5, p. 182; am. 1988, ch. 213, sec. 1, p. 403; am. 1992, ch. 331, sec. 3, p. 996; am. 1993, ch. 139, sec. 23, p. 370; am. 1994, ch. 180, sec. 72, p. 474; am. 1999, ch. 61, sec. 2, p. 159; am. 2000, ch. 132, sec. 33, p. 342; am. 2008, ch. 231, sec. 1, p. 702; am. 2021, ch. 90, sec. 1, p. 317; am. 2021, ch. 336, sec. 5, p. 1023.]

39-414A. AUDIT OF HEALTH DISTRICT FINANCES. [EFFECTIVE UNTIL MARCH 1, 2022] It shall be the duty of each district board of health to cause to be made a full and complete audit of all the financial transactions of the health district no less frequently than every two (2) years. Such audit shall be made by the legislative services office, pursuant to section [67-702](#), Idaho Code, in accordance with generally accepted auditing standards and procedures. The district board of health shall include all necessary expenses for such audit in its budget.

39-414A. AUDIT OF HEALTH DISTRICT FINANCES. [EFFECTIVE MARCH 1, 2022] It shall be the duty of each district board of health to cause to be made a full and complete audit of all the financial transactions of the health district no less frequently than every two (2) years. Such audit shall be in

accordance with generally accepted auditing standards and procedures. The district board of health shall include all necessary expenses for such audit in its budget. [services office, pursuant to section [67-702](#), Idaho Code]

[39-414A, added 1977, ch. 71, sec. 6, p. 140; am. 1982, ch. 134, sec. 1, p. 383; am. 1993, ch. 327, sec. 20, p. 1211; am. 2021, ch. 89, sec. 14, p. 308; am. 2021, ch. 336, sec. 6, p. 1024.]

39-415. QUARANTINE. The district board shall have the same authority, responsibility, powers, and duties in relation to the right of quarantine within the public health district as does the state.

[39-415, added 1970, ch. 90, sec. 7, p. 218; am. 1973, ch. 29, sec. 7, p. 56.]

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

(2) Every rule or standard adopted, amended, or rescinded by the district board shall be done in a manner conforming to the provisions of [chapter 52, title 67](#), Idaho Code.

(3) At the same time that proposed rules are transmitted to the director of legislative services, they shall be submitted for review and comment to the board of county commissioners of each county within the public health district's jurisdiction. If the rules relate to environmental protection or programs administered by the department of environmental quality, the rules shall also be submitted for review and comment to the state board of environmental quality. All other rules that do not relate to environmental protection or programs administered by the department of environmental quality shall be submitted for review and comment to the state board of health and welfare. The state board of health and welfare, or the state board of environmental quality, shall, within seventy-five (75) days of receipt of a district board's proposed rules, disapprove of the adoption of the rules if, on the advice of the attorney general, such rules would be in conflict with state laws or rules. The state board of health and welfare, or the state board of environmental quality, shall immediately advise the district board as to the reason for the disapproval.

(4) This section does not apply to measures adopted for the internal operation of the district board or for federal programs where the regulations are established by the federal government but shall apply to all measures affecting the public at large or any identifiable segment thereof.

(5) Public health districts shall have all proposed rules regarding environmental protection or programs administered by the department of environmental quality submitted for review and comment to the state board of environmental quality and such rules must be approved by adoption of a concurrent resolution by both houses of the legislature or such rules shall expire at the conclusion of a regular session of the legislature. It is the intent of the legislature that standards and rules relating to subsurface sewage systems, wastewater treatment, sewage systems and water quality be consistent statewide.

[39-416, added 1970, ch. 90, sec. 11, p. 218; am. 1973, ch. 29, sec. 8, p. 56; am. 1974, ch. 23, sec. 72, p. 633; am. 1976, ch. 179, sec. 4, p.

648; am. 1986, ch. 17, sec. 1, p. 58; am. 1993, ch. 296, sec. 1, p. 1094; am. 1999, ch. 61, sec. 3, p. 160; am. 2010, ch. 24, sec. 1, p. 43; am. 2010, ch. 310, sec. 1, p. 830.]

39-417. HEARINGS BY DISTRICT BOARD -- OATHS -- WITNESSES -- SUBPOENAS. (1) Any person, association, public or private agency, corporation, or the district director alleging a violation of this act, the rules promulgated thereunder, or any matter within the jurisdiction of the district board, or any alleged violator thereof, may, pursuant to the provisions of [chapter 52, title 67](#), Idaho Code, and the rules promulgated thereunder by the state board of health and welfare or the board of environmental quality, seek a hearing before the district board and/or such other relief or remedy as is provided or available.

(2) The hearings herein provided may be conducted by the district board or by its designated agent and in either case the district board or its agent shall have the same powers and authority set out in subsection (3) of section [39-107](#), Idaho Code. The provisions of this section shall not apply to the internal administrative affairs of the district board or department nor to its subordinate sections and units.

[39-417, added 1970, ch. 90, sec. 9, p. 218; am. 1973, ch. 29, sec. 9, p. 56; am. 1974, ch. 23, sec. 73, p. 633; am. 2000, ch. 132, sec. 34, p. 343.]

39-418. JUDICIAL REVIEW OF DISTRICT BOARD'S DETERMINATION -- EXCLUSIVE PROCEDURE. (1) Judicial review of a final determination of the district board may be secured by any person adversely affected thereby by filing a petition for review as prescribed by [chapter 52, title 67](#), Idaho Code, in the district court of the county wherein he lives within thirty (30) days after receipt of notice of the district board's final determination. The petition for review shall be served upon the district health director and the director of the department of health and welfare of the state of Idaho. The director may appear in any such hearing as a matter of right. Such service shall be jurisdictional and the provisions of this section shall be the exclusive procedure for appeal or review.

(2) If no appeal or review is sought within the time prescribed in (1) above, the final determination of the district board shall be conclusive as to factual matters decided therein and not subject to collateral attack in any proceeding to enforce its provisions.

[39-418, added 1970, ch. 90, sec. 10, p. 218; am. 1973, ch. 29, sec. 10, p. 56; am. 1974, ch. 23, sec. 74, p. 633.]

39-419. VIOLATION OF PUBLIC HEALTH LAWS -- MISDEMEANOR -- CIVIL LIABILITY FOR EXPENSE -- INFRACTION. (1) It shall be unlawful for any person to willfully violate, disobey, or disregard the provisions of the public health laws or the terms of any lawful notice, order, standard, rule, regulation, or ordinance issued pursuant thereto.

(2) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding three hundred dollars (\$300), or by imprisonment in the county jail for a term not exceeding six (6) months, or by both such fine and imprisonment. In addition to fine and imprisonment, any person found to be in violation of this chapter or the rules promulgated thereunder

shall be liable for any expense incurred by the district board of health in enforcing this chapter, or in removing or terminating any nuisance, source of filth, cause of sickness, or health hazard. Conviction under the penalty provisions of this chapter or any other health law or rules promulgated thereunder shall not relieve any person from any civil action in damages that may exist for any injury resulting from any violation of the public health laws or rules promulgated by the district board of health.

(3) A violator of any law or rule within the jurisdiction of the district shall be liable in an amount not in excess of the limits prescribed in section [39-108](#), Idaho Code. The district board may seek recovery by commencing an action in the district court of the county wherein the violation occurred. Amounts recovered shall be deposited as required by the provisions of section [39-414](#)(5), Idaho Code.

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

[39-419, added 1970, ch. 90, sec. 8, p. 218; am. 1973, ch. 29, sec. 11, p. 56; am. 1986, ch. 63, sec. 6, p. 183; am. 1992, ch. 122, sec. 2, p. 400; am. 2000, ch. 132, sec. 35, p. 344; am. 2021, ch. 90, sec. 2, p. 318.]

39-420. CIVIL ACTIONS BY DISTRICT BOARD -- ENFORCEMENT OF ACT -- ABATEMENT OF NUISANCES. The district board in its name shall commence and maintain all proper and necessary civil actions and proceedings to enforce the provisions of this act and the preservation and protection of the public and is specifically directed to abate nuisances when necessary for the purpose of elimination of sources of filth, infestations, infections, communicable diseases, health hazards, and conditions not compatible with the preservation and protection of the public health. Enforcement of a final determination of the district board shall be commenced by filing an action in the district court, by any party to the board action, the board, or the director, and the introduction of the final determination.

[39-420, added 1970, ch. 90, sec. 12, p. 218; am. 1973, ch. 29, sec. 12, p. 56.]

39-421. SPECIAL COUNSEL OF DISTRICT BOARD. The district board is hereby authorized to engage special counsel to defend it and the members in all action and proceedings brought against it or them with respect to their official duties hereunder. In addition, such special counsel may bring any civil action requested by the district board. The special counsel may request the prosecuting attorney of any county within the district for appointment as special prosecutor to assist in prosecuting any alleged violations of any of the provisions of this chapter which occurred within such county. Upon receipt of such request, the prosecutor of such county may forthwith designate the district's special counsel as special prosecutor to assist in prosecuting the alleged offender, and such special counsel shall have all the powers of a prosecuting attorney while acting as special prosecuting attorney. Compensation of such special counsel for acting as special prosecutor shall be paid by the district and subject to recovery as provided in section [39-419](#), Idaho Code.

[39-421, added 1970, ch. 90, sec. 13, p. 218; am. 1976, ch. 179, sec. 5, p. 648; am. 1992, ch. 122, sec. 3, p. 401.]

39-422. PUBLIC HEALTH DISTRICT FUND -- ESTABLISHMENT -- DIVISIONS -- FISCAL OFFICER -- EXPENDITURES. (1) There is hereby authorized and established in the state treasury a special fund to be known as the public health district fund for which the state treasurer shall be custodian. Within the public health district fund there shall be seven (7) divisions, one (1) for each of the seven (7) public health districts. Each division within the fund will be under the exclusive control of its respective district board of health and no moneys shall be withdrawn from such division of the fund unless authorized by the district board of health or its authorized agent.

(2) The procedure for the deposit and expenditure of moneys from the public health district fund will be in accordance with procedures established between all district boards and the state controller. All income and receipts received by the districts shall be deposited in the public health district fund.

(3) Claims against the divisions of the health district fund are not claims against the state of Idaho. Claims against an individual health district are limited to that district's division moneys.

[39-422, added 1970, ch. 90, sec. 15, p. 218; am. 1973, ch. 29, sec. 13, p. 56; am. 1974, ch. 23, sec. 75, p. 633; am. 1976, ch. 51, sec. 10, p. 176; am. 1976, ch. 179, sec. 6, p. 644; am. 1982, ch. 133, sec. 3, p. 382; am. 1994, ch. 180, sec. 73, p. 475; am. 1999, ch. 61, sec. 4, p. 161.]

39-423. BUDGET COMMITTEE OF PUBLIC HEALTH DISTRICT. [EFFECTIVE UNTIL MARCH 1, 2022] The chairmen of the boards of county commissioners located within the public health district are hereby constituted as the budget committee of the public health district.

The district board will submit to the budget committee by the first Monday in June of each year the preliminary budget for the public health district and the estimated cost to each county, as determined by the provisions of section 39-424, Idaho Code.

On or before the first Monday in July, there will be held at a time and place determined by the budget committee a budget committee meeting and public hearing upon the proposed budget of the district. Notice of the budget committee meeting and public hearing shall be posted at least ten (10) full days prior to the date of said meeting in at least one (1) conspicuous place in each public health district to be determined by the district board of health. A copy of such notice shall also be published in the official newspaper or a generally circulated newspaper of each county of such public health district, in one (1) issue thereof, during such ten (10) day period. The place, hour and day of such hearing shall be specified in said notice, as well as the place where such budget may be examined prior to such hearing. A summary of such proposed budget shall be published with and as a part of the publication of such notice of hearing in substantially the form required by section 31-1604, Idaho Code.

On or before the first Monday in July a budget for the public health district shall be agreed upon and approved by a majority of the budget committee. Such determination shall be binding upon all counties within the district and the district itself.

39-423. BUDGET COMMITTEE OF PUBLIC HEALTH DISTRICT. [EFFECTIVE MARCH 1, 2022] The chairmen of the boards of county commissioners located within the public health district are hereby constituted as the budget committee of the public health district.

The district board will submit to the budget committee by the first Monday in June of each year the preliminary budget for the public health district and the estimated cost to each county, as determined by the provisions of section [39-424](#), Idaho Code.

On or before the first Monday in July, there will be held at a time and place determined by the budget committee a budget committee meeting and public hearing upon the proposed budget of the district. Notice of the budget committee meeting and public hearing shall be posted at least ten (10) full days prior to the date of said meeting in at least one (1) conspicuous place in each public health district to be determined by the district board of health. A copy of such notice shall also be published in the official newspaper or a generally circulated newspaper of each county of such public health district, in one (1) issue thereof, during such ten (10) day period. The place, hour and day of such hearing shall be specified in said notice, as well as the place where such budget may be examined prior to such hearing. A summary of such proposed budget shall be published with and as a part of the publication of such notice of hearing in substantially the form required by section [31-1604](#), Idaho Code.

On or before the first Monday in July, a budget for the public health district shall be agreed upon and approved by a majority of the budget committee. Such determination shall be binding upon all counties within the district and the district itself.

Nothing in this section shall prevent the chairman of a board of county commissioners from appointing a designee to represent him on the budget committee if the chairman is unable to attend the budget committee meeting, provided that the designee must be an elected county commissioner from the same county as the chairman of the board of county commissioners.

[39-423, added 1970, ch. 90, sec. 16, p. 218; am. 1971, ch. 27, sec. 1, p. 71; am. 1973, ch. 29, sec. 14, p. 56; am. 1974, ch. 23, sec. 76, p. 633; am. 1974, ch. 58, sec. 1, p. 1134; am. 1977, ch. 77, sec. 1, p. 157; am. 1984, ch. 39, sec. 1, p. 65; am. 1986, ch. 63, sec. 7, p. 184; am. 1999, ch. 61, sec. 5, p. 161; am. 2021, ch. 336, sec. 7, p. 1025.]

39-424. COST OF MAINTENANCE OF DISTRICT -- APPORTIONMENT TO MEMBER COUNTIES. The manner of apportioning the contributions of the counties as part of the budget of the health district, created pursuant to section [39-423](#), Idaho Code, shall be as follows:

(1) Seventy percent (70%) of the amount to be contributed by the counties shall be apportioned among the various counties within the health district on the basis of population. The proportion of the total population of each county as compared to the total population of the health district shall be the proportion by which such county shall share in the contribution of county funds for the maintenance of the health district, pursuant to this subsection. The population will be determined by the last general census when applicable. When a general census number is not applicable, population shall be estimated for each county by the state department of commerce and such estimated population number shall be certified to each health district by not later than April 1.

(2) Thirty percent (30%) of the amount to be contributed by the counties shall be apportioned among the counties within the district on the basis of taxable market value for assessment purposes. The proportion of the total taxable market value for assessment purposes of each county as compared to the total taxable market value for assessment purposes of the health district shall be the proportion by which such county shall share in the contribution of funds for the maintenance of the health district, pursuant to this subsection. Total taxable market value for assessment purposes shall mean the total taxable market value for assessment purposes as computed by the county assessor for the preceding full calendar year. Taxable market value for each county shall be certified to the health districts by the state tax commission for the preceding year.

[39-424, added 1976, ch. 179, sec. 8, p. 649; am. 1986, ch. 63, sec. 8, p. 185; am. 1999, ch. 61, sec. 6, p. 162.]

39-424A. ADDITIONAL COUNTY AID TO DISTRICTS -- PROCEDURES. [EFFECTIVE MARCH 1, 2022] (1) Beginning on January 1, 2022, and each year thereafter, the various boards of county commissioners shall be responsible for providing additional annual aid to the public health districts. The amount of such additional county aid shall not be less than the amount appropriated to the various public health districts by the legislature for state fiscal year 2021.

(2) The manner of apportioning the additional aid from the various counties shall be calculated pursuant to section [39-424](#), Idaho Code, unless an alternative manner of apportioning the additional aid is agreed to by the budget committees of the various public health districts.

(3) Notwithstanding the provisions of section [31-863](#), Idaho Code, a county may use any fund balance accruing pursuant to [chapter 35, title 31](#), Idaho Code, to fund the annual aid provided for in this section.

[39-424A, added 2021, ch. 336, sec. 8, p. 1025.]

39-425. GENERAL STATE AID TO DISTRICTS - PROCEDURES. [EFFECTIVE UNTIL MARCH 1, 2022] (1) Every year, the districts shall submit a request to the legislature for money to be used to match funds contributed by the counties pursuant to section [31-862](#), Idaho Code, for the maintenance and operation of district health departments. The matching amount to be included in the request shall be a minimum of sixty-seven percent (67%) of the amounts pledged by each county, as adopted as part of the budget for the health districts during the budget formulations, as provided for in section [39-423](#), Idaho Code. If the determined amount of participation by a county would exceed the amount which could be raised applying the maximum levy prescribed in section [31-862](#), Idaho Code, that county's participation shall be reduced to the maximum amount which can be raised thereby.

(2) The foregoing provision shall not limit the legislature from authorizing or granting additional funds for selected projects in excess of the percentage of participation of general aid granted all health districts.

(3) General state aid to the various health districts shall be made available from state appropriations, and shall be distributed in the following manner:

(a) The amount appropriated to the health districts shall be divided based upon the formula developed and administered by the board of trustees of the Idaho district boards of health.

(b) One-half (1/2) of the amount appropriated shall be remitted to the public health trust fund on or before July 15; and

(c) The remaining one-half (1/2) of the amount appropriated shall be remitted to the public health trust fund on or before January 15.

(4) The liability of the state of Idaho to the public health districts and the public health district fund and its divisions is limited to:

(a) The funds actually authorized and granted to the various public health districts as provided in subsection (1) of this section; and

(b) The funds actually authorized or granted to the various public health districts as provided for in subsection (2) of this section; and

(c) The funds due the various health districts in payment of legally authorized contracts and agreements entered into between the departments of the state of Idaho and the various public health districts.

(5) If revenues to the state treasury are insufficient to fully meet appropriations, and reductions in spending authority have been ordered pursuant to law, the amount of moneys to match revenues contributed by the counties, pursuant to section 39-423, Idaho Code, which has been appropriated pursuant to this section, shall be reduced by the same percentage rate as other general account appropriations.

39-425. STATE AID TO DISTRICTS -- PROCEDURES. [EFFECTIVE MARCH 1, 2022] (1) The legislature may authorize or grant additional funds to the various public health districts for selected projects.

(2) The liability of the state of Idaho to the public health districts and the public health district fund and its divisions is limited to:

(a) The funds actually authorized or granted to the various public health districts as provided for in subsection (1) of this section; and

(b) The funds due the various health districts in payment of legally authorized contracts and agreements entered into between the departments of the state of Idaho and the various public health districts.

[39-425, added 1976, ch. 295, sec. 2, p. 1021; am. 1986, ch. 64, sec. 1, p. 186; am. 1990, ch. 32, sec. 1, p. 47; am. 1999, ch. 61, sec. 7, p. 163; am. 2021, ch. 336, sec. 9, p. 1026.]

39-426. PUBLIC EMPLOYEES RETIREMENT SYSTEM. All public health districts shall budget sufficient funds to allow for participation in the Idaho public employees retirement system as created by [chapter 13, title 59](#), Idaho Code.

[39-426, added 1970, ch. 90, sec. 19, p. 218.]