

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 562, As Amended in the Senate

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PUBLIC HEALTH DISTRICTS; AMENDING SECTION 39-411, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE IDAHO DISTRICT BOARDS OF HEALTH AND THE BOARD OF TRUSTEES OF THE IDAHO DISTRICT BOARDS OF HEALTH; AND PROVIDING AN EFFECTIVE DATE AND PROVIDING THE EFFECT OF A CHALLENGE ON THE FORMULA FOR DISTRICT BOARDS OF HEALTH FUNDING.

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

SECTION 1. That Section 39-411, Idaho Code, be, and the same is hereby amended to read as follows:

39-411. COMPOSITION OF DISTRICT BOARD -- QUALIFICATIONS OF MEMBERS -- APPOINTMENT AND REMOVAL -- TERMS -- ~~TRUSTEE SELECTED FOR~~ SELECTION OF OFFICERS -- BOARD OF TRUSTEES OF DISTRICT BOARDS OF HEALTH. (1) For those districts comprised of ~~less~~:

(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) ~~For those districts comprised of e~~Eight (8) counties, the district board of health shall consist of not ~~less~~ 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. ~~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. The board of trustees of the Idaho district boards of health shall have authority to allocate appropriations from the legislature to the health districts. The board of trustees shall develop and administer a formula for the allocation of legislative appropriations.~~

1       (4) The members of the district board of health shall be appointed for  
2 the purpose of organization as follows: One (1) member to be appointed for a  
3 term of one (1) year, one (1) for two (2) years, one (1) for three (3) years,  
4 two (2) for four (4) years and two (2) for five (5) years. Each succeeding  
5 vacancy shall be filled by the boards of county commissioners within the  
6 district acting jointly and with confirmation as herein described for a term  
7 of five (5) years, subject to reappointment; and vacancies on the board for  
8 an unexpired term shall be filled for the balance of the unexpired term.  
9 Notwithstanding any provision of this section as to term of appointment, if  
10 a board member is an appointee for a board of county commissioners, and if  
11 that board member is an elected county commissioner and leaves office prior  
12 to the expiration of the term on the district board of health, the board of  
13 county commissioners may declare the position vacant and may appoint another  
14 currently elected county commissioner to fill the unexpired portion of the  
15 term of that board member.

16       (5) The members of the district board, each year, shall select a chair-  
17 man, a vice chairman and a trustee. The trustee shall represent the district  
18 board as a member of the board of trustees of the Idaho district boards of  
19 health.

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

30       SECTION 2. This act shall be in full force and effect on and after July  
31 1, 2018, provided that if the change in formula provided by this act is chal-  
32 langed by a contested case or other legal challenge, the formula in place  
33 prior to the effective date of this act shall remain in place until the chal-  
34 lenge is resolved.