

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 548

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO CITIES; AMENDING CHAPTER 3, TITLE 50, IDAHO CODE, BY THE AD-  
2 DITION OF A NEW SECTION 50-347, IDAHO CODE, TO PROVIDE THAT A CITY MAY  
3 PROHIBIT THE EXPANSION OF CERTAIN OPERATIONS POSING A CLEAR THREAT TO  
4 PUBLIC HEALTH AND SAFETY WITH APPROVAL OF A TWO-THIRDS MAJORITY VOTE OF  
5 THE CITY COUNCIL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE  
6 DATE.  
7

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

9 SECTION 1. That Chapter 3, Title 50, Idaho Code, be, and the same is  
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
11 ignated as Section 50-347, Idaho Code, and to read as follows:

12 50-347. THREATS TO PUBLIC HEALTH AND SAFETY. (1) The legislature finds  
13 that cities possess broad powers to protect public health, safety, and wel-  
14 fare under the constitution of the state of Idaho and pursuant to the laws  
15 of this chapter. It is the intent of the legislature to recognize a city's  
16 authority to limit the operation of certain sites that pose a clear threat  
17 to the public health and safety and that would unduly attract subversive  
18 threats while providing for a reasonable check-and-balance on those broad  
19 powers.

20 (2) Cities may declare by resolution any site a clear threat to public  
21 health and safety if, in the opinion of the city council, any expansion of the  
22 current operations on the site would pose such a threat to the public health  
23 and safety and would unduly attract subversive threats to the public health  
24 and safety. A resolution declaring a site a clear threat to public health and  
25 safety may declare a moratorium on any expansion of operations identified in  
26 the resolution.

27 (3) Approval of a resolution provided for in this section shall require  
28 a two-thirds (2/3) majority vote of the city council at or following a public  
29 hearing on the matter.

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