

IN THE SENATE

SENATE BILL NO. 1372

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO FIRE PROTECTION DISTRICTS; AMENDING CHAPTER 14, TITLE 31, IDAHO  
2 CODE, BY THE ADDITION OF A NEW SECTION 31-1413A, IDAHO CODE, TO PROVIDE  
3 FOR THE DIVISION OF A FIRE PROTECTION DISTRICT INTO TWO FIRE PROTECTION  
4 DISTRICTS; AND AMENDING CHAPTER 14, TITLE 31, IDAHO CODE, BY THE ADDI-  
5 TION OF A NEW SECTION 31-1414A, IDAHO CODE, TO PROVIDE FOR ELECTIONS FOR  
6 DIVISION OF A DISTRICT.  
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 14, Title 31, 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 31-1413A, Idaho Code, and to read as follows:

12 31-1413A. DIVISION OF DISTRICT -- HEARING -- PROTEST -- ELECTION. Any  
13 fire protection district may be divided into two (2) fire protection dis-  
14 tricts subject to the following procedure, or pursuant to an election for di-  
15 vision as provided in section 31-1414A, Idaho Code, and with the following  
16 effects:

17 (1) If, in the opinion of the board of any fire protection district, it  
18 would be to the advantage of the district to be divided into two (2) fire pro-  
19 tection districts, the board shall cause to be prepared and approved a reso-  
20 lution for division that shall, among other things, provide:

21 (a) The names of the proposed divided fire protection districts and  
22 their respective boundaries, along with identification of subdis-  
23 tricts;

24 (b) That fifty percent (50%), or the value thereof, or such other per-  
25 centage as determined by the board of all assets of the district to be  
26 divided shall become the assets of each of the districts;

27 (c) That fifty percent (50%) of all debts of the district to be divided,  
28 or such other percentage as determined by the board, shall become the  
29 debts of each of the districts;

30 (d) That the existing commissioners of the district to be divided shall  
31 remain commissioners of the divided district in which they reside until  
32 the next election to be held pursuant to the terms of section 31-1410,  
33 Idaho Code, at which time three (3) additional commissioners shall be  
34 elected to fill vacancies created by the division, conditioned on their  
35 residency in one (1) of the districts, unless the resolution of divi-  
36 sion establishes a five (5) member board, in which case five (5) com-  
37 missioners shall be elected. If each board consists of three (3) mem-  
38 bers, commissioners from fire protection subdistricts one and two in  
39 each district shall be elected for terms of four (4) years, and the com-  
40 missioner from fire protection subdistrict three in each district shall  
41 be elected for a term of two (2) years. If each board consists of five  
42 (5) commissioners, the commissioners from fire protection subdistricts

1 one, three, and five in each district shall be elected for terms of four  
2 (4) years, and the commissioners from fire protection subdistricts two  
3 and four in each district shall be elected for an initial term of two (2)  
4 years. Thereafter, the term of all commissioners in each district shall  
5 be four (4) years; and

6 (e) That the employees of the divided fire protection districts shall  
7 be selected from the employees of the fire protection district being di-  
8 vided, which employees shall retain the seniority rights under their  
9 existing employment contracts. Any paid full-time firefighter of the  
10 fire protection district being divided shall be offered employment as  
11 a paid full-time firefighter from one (1) or both of the newly created  
12 fire protection districts, provided staffing needs of the districts are  
13 such to accommodate all current full-time firefighters before any addi-  
14 tional paid full-time firefighters are offered employment. Additional  
15 staff and administrative employees may also be hired.

16 (2) After approval of the resolution of division, the board of commis-  
17 sioners of the fire protection district shall hold a hearing no fewer than  
18 ten (10) nor more than thirty (30) days thereafter and shall cause notice of  
19 the hearing designating the time and place to be published in at least one  
20 (1) issue of a newspaper of general circulation within the district no fewer  
21 than five (5) days prior to the hearing. Any person supporting or object-  
22 ing to the division shall be heard at the hearing, if in attendance, and at  
23 the close of the hearing the board shall confirm approval or rejection of di-  
24 vision. If the board confirms approval of the division, the division of the  
25 district shall be completed thirty (30) days after confirmation of the divi-  
26 sion unless, within the thirty (30) days, a petition signed by twenty-five  
27 percent (25%) of the qualified electors of the original fire protection dis-  
28 trict objecting to the division is filed with the secretary of the district.  
29 In the event of an objection, an election shall be held as provided in sec-  
30 tion 31-1405, Idaho Code, except that the question shall be "division of ...  
31 fire protection district, yes," or "division of ... fire protection dis-  
32 trict, no," or words equivalent thereto. If more than one-half (1/2) of the  
33 votes cast are yes, the division shall become effective. If more than one-  
34 half (1/2) of the votes cast are no, the division shall be void and of no ef-  
35 fect, and no new division shall be proposed for at least six (6) months fol-  
36 lowing the date of the division election.

37 (3) Upon the division becoming effective, the boards of the divided  
38 fire protection districts shall file a certified copy of the resolution of  
39 division with the county recorder of each county in which such districts are  
40 situated and shall comply with the provisions of section 63-215, Idaho Code.  
41 The divided districts shall thereafter have the same rights and obligations  
42 as any other fire protection district organized pursuant to this chapter.

43 SECTION 2. That Chapter 14, Title 31, Idaho Code, be, and the same is  
44 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
45 ignated as Section 31-1414A, Idaho Code, and to read as follows:

46 31-1414A. ELECTION FOR THE DIVISION OF A DISTRICT. Upon a petition  
47 signed by ten percent (10%) or more of the electors in the last general elec-  
48 tion residing in a fire protection district, an election shall be conducted  
49 in the manner provided in section 31-1405, Idaho Code, at which the following

1 question shall be submitted to the electorate: "Shall .... fire protection  
2 district be divided into two (2) districts?" or words equivalent thereto.  
3 At least one (1) public hearing shall be held by the board of fire district  
4 commissioners prior to the election. If a majority of the votes cast in the  
5 district proposed for division are in favor of division, the district shall  
6 be deemed divided and a resolution of division in conformity with the pro-  
7 visions of section 31-1413A, Idaho Code, shall be entered into by the fire  
8 protection district board, except that a resolution of division entered into  
9 pursuant to an election as provided in this section shall not thereafter be  
10 subject to an election upon objection as provided in section 31-1413A(2),  
11 Idaho Code.