

IN THE SENATE

SENATE BILL NO. 1215

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

1 RELATING TO FIRE PROTECTION DISTRICT ELECTIONS; AMENDING SECTION 31-1427,  
2 IDAHO CODE, TO REVISE A NOTICE PROVISION FOR HOLDING AN ELECTION IN A  
3 FIRE PROTECTION DISTRICT; AND DECLARING AN EMERGENCY.  
4

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

6 SECTION 1. That Section 31-1427, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 31-1427. INDEBTEDNESS PROHIBITED -- EXCEPTIONS. The board of commis-  
9 sioners of a fire protection district organized pursuant to the provisions  
10 of this chapter shall have no power to incur any debt or liability, except to  
11 the extent for the purposes and in the manner hereinafter provided:

12 (1) In the first year after organization, the board of a district may,  
13 for the purpose of organization, to finance general preliminary expenses of  
14 the district or for any other purpose of the fire protection district law,  
15 and before making a tax levy, incur an indebtedness not exceeding in the ag-  
16 gregate a sum equal to one cent (\$.01) on each one hundred dollars (\$100)  
17 of market value for assessment purposes of all real and personal property  
18 within the district.

19 (2) Whenever the board of commissioners of a fire protection district  
20 shall determine that the interest of said district and the public interest  
21 or necessity require incurring an indebtedness exceeding the income and rev-  
22 enue provided for the year for the purposes of (a) acquiring, purchasing,  
23 constructing, improving and equipping lands, building sites and buildings  
24 together with the necessary appurtenant facilities and equipment and (b) ac-  
25 quiring and purchasing suitable equipment and apparatus necessary to pro-  
26 vide fire protection, the board shall have the power and authority as here-  
27 inafter provided to issue general obligation coupon bonds not to exceed in  
28 the aggregate at any time two percent (2%) of market value for assessment  
29 purposes of the real and personal property in said district.

30 Whenever the board of a district shall deem it advisable to issue gen-  
31 eral obligation coupon bonds, the board shall provide for the issuance of  
32 such bonds by ordinance which shall specify and set forth all the purposes,  
33 objects and things required by section 57-203, Idaho Code, and make provi-  
34 sion for the collection of an annual tax sufficient to (a) constitute a sink-  
35 ing fund for the payment of the principal thereof within thirty (30) years  
36 from the time of contracting said bonded indebtedness and (b) to pay the in-  
37 terest on such proposed bonds as it falls due.

38 The aforesaid ordinance shall also provide for holding an election, ~~no-~~  
39 ~~tice of which shall be given for thirty (30) days in a newspaper or newspapers~~  
40 ~~of general circulation in the district with the notice in compliance with~~  
41 section 34-1406, Idaho Code. The election shall be conducted in the manner  
42 and form, the returns canvassed, and the qualifications of electors of the

1 district voting or offering to vote shall be determined, as provided by the  
2 pertinent and applicable provisions of title 34, Idaho Code. The voting at  
3 such election must be by ballot and the ballot used shall be substantially  
4 as follows: "In favor of issuing bonds to the amount of ..... dollars  
5 for the purpose stated in Ordinance No. ...." and "Against issuing bonds  
6 to the amount of ..... dollars for the purpose stated in Ordinance No.  
7 .....". If at such election two-thirds (2/3) of the qualified electors vot-  
8 ing at such election, assent to the issuing of such bonds and the incurring of  
9 the indebtedness thereby created for the purposes, objects, and things pro-  
10 vided in said Ordinance No. ...., such bonds shall be issued in the manner  
11 provided by chapter 2, title 57, Idaho Code, the municipal bond law of the  
12 state of Idaho.

13 Bonds issued pursuant to the provisions of this section and the income  
14 therefrom shall be exempt from taxation except transfer and estate taxes.

15 SECTION 2. An emergency existing therefor, which emergency is hereby  
16 declared to exist, this act shall be in full force and effect on and after its  
17 passage and approval.