

IN THE SENATE

SENATE BILL NO. 1403

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE FIRE PROTECTION BOARD; AMENDING SECTION 31-1408, IDAHO CODE,
2 TO DELETE CERTAIN RESIDENCE REQUIREMENTS RELATING TO FIRE PROTECTION
3 DISTRICT COMMISSIONERS, TO REVISE PROVISIONS RELATING TO WHEN THE OATH
4 OF OFFICE OF FIRE PROTECTION COMMISSIONERS SHALL BE TAKEN AND TO REVISE
5 EXCEPTION PROVISIONS RELATING TO TAKING THE OATH.
6

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

8 SECTION 1. That Section 31-1408, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 31-1408. FIRE PROTECTION BOARD -- APPOINTMENT OF COMMISSIONERS --
11 OATH. (1) There shall be three (3) fire protection commissioners in each
12 district, who shall constitute the fire protection board. The first
13 fire protection commissioners of such fire protection district shall be
14 appointed by the governor. The certificate of such appointment shall be
15 made in triplicate; one (1) certificate shall be filed in the office of the
16 county recorder of the county; one (1) with the clerk of the board of county
17 commissioners, and one (1) with the assessor and tax collector of the county.
18 Every fire protection commissioner and appointed officer shall take and
19 subscribe the official oath, which oath shall be filed in the office of the
20 board of fire protection commissioners. ~~If the district is situated in two~~
21 ~~(2) or more counties, not more than two (2) of the fire protection district~~
22 ~~commissioners shall be from the same county, unless pursuant to section~~
23 ~~31-1410A, Idaho Code, the board is comprised of five (5) members, in which~~
24 ~~event not more than three (3) of the commissioners shall be from the same~~
25 ~~county.~~

26 (2) The oath of office of fire protection commissioners and appointed
27 officers shall be taken before the secretary or the president of the board of
28 the fire district ~~on the second Monday of~~ at the first regularly scheduled
29 board meeting in January succeeding each general election. Provided
30 however, in the event, ~~for any reason,~~ of an inability to appear for the
31 taking of the oath, a duly elected fire protection commissioner may be sworn
32 in and may subscribe to the oath wherever he may be, provided he appear before
33 an officer duly authorized to administer oaths, and provided further, that
34 any person who is in any branch of the armed forces of the United States
35 of America, may appear before any person qualified to administer oaths as
36 prescribed in section 55-705, Idaho Code, and may take and subscribe the
37 oath of office as provided for in section 59-401, Idaho Code, and the oath of
38 office shall have the same force and effect as though it were taken before the
39 secretary or the president of the fire district pursuant to this subsection.